

Explanation—Where the Commandant General, while exercising the powers of the Commandant, passes any order under sub-section (1) or (1A)—

- (i) the appeal from such order shall lie to the Chief Commissioner of Delhi;
- (ii) for the purposes of sub-section (4), the power of revision in respect of such order shall vest in the Chief Commissioner of Delhi.

7. Penalty.—(1) If any member of the Home Guards, on being called out under section 4, without reasonable excuse, neglects or refuses to obey such order, or to discharge his functions as a member of the Home Guards, or to obey any lawful order or direction given to him for the performance of his duties, he shall, on conviction, be punishable with simple imprisonment for a term which may extend to three months or with fine which may extend to two hundred and fifty rupees or with both.

(1A) If any member of the Home Guards wilfully neglects or refuses to deliver up his certificate of appointment or of office or any other article, in accordance with the provisions of sub-section (1) of section 6A, he shall, on conviction, be punished with imprisonment for a term which may extend to one month or with fine which may extend to one hundred rupees or with both.

(2) No proceedings shall be instituted under sub-section (1) or (1A) without the previous sanction of the Commandant.

(3) A police officer may arrest without warrant any person who commits an offence punishable under sub-section (1) or (1A).

8. The Chief Commissioner of Delhi may make rules consistent with this Act,—

- (a) providing for the exercise by any officer of the Home Guards of the powers conferred by section 4 on the Commandant and the Commandant General;
- (b) providing for the exercise of control by officers of the police force over members of the Home Guards when acting in aid of the police force;
- (c) regulating the organisation, appointment, conditions of service, functions discipline, arms, accoutrements and clothing of members of the Home Guards and the manner in which they may be called out for service;
- (d) regulating the exercise by members of the Home Guards of any of the powers exercisable under section 5 of this Act;
- (e) generally for giving effect to the provisions of this Act.

9. Members of Home Guards to be public servants.—Members of the Home Guards acting under this Act shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code (XLV of 1860).

9A. Home Guards not disqualified from contesting elections to the State Legislature or local bodies.—(1) *Omitted.*

(2) Notwithstanding anything contained in the contrary in any other law for the time being in force a member of the Home Guards shall not be disqualified for being chosen as, and for being, a member of any local authority merely by reason of the fact that he is a member of the Home Guards.

10. *Omitted.*

[No. F.3/5/59-J.II.]

New Delhi, the 18th April 1959

G.S.R. 464.—In exercise of the powers conferred by section 2 of the Union Territories (Laws) Act, 1950 (30 of 1950), the Central Government hereby extends with effect on and from the 1st May, 1959, to the Union Territory of Manipur the Assam Cooperative Societies Act, 1949 (Assam Act No. 1 of 1950), as at present in force in the State of Assam, subject to the following modifications, namely—

Modifications

1. Throughout the Act, unless otherwise directed by this notification,—

- (a) for the words “State Government” and “Government”, the words “Chief Commissioner of Manipur” shall be substituted;

- (b) for the word "State" (except where it occurs in the expression 'State Government'), the words "Union territory" shall be substituted;
- (c) for the word "Assam" (except in the long title, preamble and short title), the word "Manipur" shall be substituted.
- 2. In section 1, sub-section (3) shall be omitted.
- 3. In sub-section (3) of section 10, in the first sentence, for the words "four copies", the words "three copies" shall be substituted.
- 4. In sub-section (3) of section 31, the word "Government" in the first three places shall stand unmodified.
- 5. In sections 3(2), 35, 48, 51, 64(1), 80 and 95, the word "Government" (except where it occurs in the expression 'State Government'), shall stand unmodified.
- 6. In sub-section (1) of section 88, for the words and figures "Co-operative Societies Act, 1912", the words and figures "Manipur Co-operative Societies Act, 1947", shall be substituted.
- 7. In section 89, after the words and figures "Co-operative Societies Act, 1912" in the two places where they occur, the words "or Manipur Co-operative Societies Act, 1947" shall be inserted.
- 8. In section 90, for the words and figures "Indian Companies Act, 1913", the words and figures "Companies Act, 1956", shall be substituted.
- 9. Sub-section (2) of section 83, section 99, section 101 and Schedule B shall be omitted.
- 10. In Schedule A—
 - (a) after the words, figures and brackets "Assam Co-operative Societies Act, 1949 (Act I of 1950)," in the three places where they occur, the words "as extended to Manipur" shall be inserted;
 - (b) after the words, figures and brackets "Assam Land and Revenue Regulation, 1886 (Regulation I of 1886)", the words "as extended to Manipur" shall be inserted.

ANNEXURE

The Assam Co-operative Societies Act, 1949, as extended to Manipur.

ASSAM ACT I OF 1950

THE ASSAM CO-OPERATIVE SOCIETIES ACT 1949

An Act to facilitate the formation and working of Co-operative societies and to consolidate and amend the law relating to Co-operative Societies in the Province of Assam.

Preamble.—Whereas it is expedient further to facilitate the formation and working of Co-operative Societies for the purpose of thrift, self-help, mutual aid and creating the quality of credit-worthiness among agriculturists artisans and other persons with common economic needs so as to bring about a higher standard of living, better business, better methods of production, equitable distribution and exchange and for that purpose to consolidate and amend the law relating to Co-operative Societies in the Province of Assam. It is hereby enacted as follows:—

CHAPTER I

PRELIMINARY

1. **Short title and extent.**—(1) This Act may be called the Assam Co-operative Societies Act, 1949.

(2) It extends to the whole of the Union territory of Manipur.

2. **Definitions.**—In this Act, unless there is anything repugnant in the subject or context:—

- (a) "Administrative Council" means a body intermediary between a Managing Body and the General Assembly of a registered society.
- (b) "Affiliating Society" means the registered society of which a particular registered society is a member and "Affiliated Society" means the particular society which is a member of the affiliating society;

- (c) "Arbitrator" means a person appointed under the provisions of this Act to decide any dispute referred to him;
- (d) "Audit Officer" means a person appointed under the provisions of this Act to audit the accounts of registered society;
- (e) "Bye-law" refers to the registered bye-laws for the time being in force and includes a registered amendment of bye-laws;
- (f) "Co-operative Year" means the period beginning and ending on such dates as may be fixed by the Registrar for the purpose of drawing up the balance sheets of registered societies;
- (g) "Co-operative Demand Certificate" means a certificate as defined in section 83;
- (h) "Employee" means a person, not being an office-bearer, employed by a registered society on a salary or similar form of remuneration, other than advance patronage dividend or payment for goods sold to or through such society;
- (i) "General Assembly" means the supreme body of a registered society as defined in section 31;
- (j) "Managing Body" means the body to which the management of the affairs of a registered society is directly entrusted and does not include the Administrative Council.
- (k) "Member" means a person admitted to membership after registration in accordance with the bye-laws and rules of the society and includes a promoter;
- (l) "Office-Bearer" means a member duly elected by the appropriate body of a registered society, according to its bye-laws, to any office of such society, including the office of President, Chairman, Vice-President, Vice-Chairman, Secretary, Managing Director and Treasurer; provided that any officer appointed by Chief Commissioner of Manipur to hold charge of any office of a registered society shall be deemed to be an office-bearer unless specifically stated to the contrary;
- (m) "Prescribed" means prescribed by rules;
- (n) "Promoter" means any eligible person or registered society signing the application for registration of a society;
- (o) "Registered Society" means a Co-operative Society registered or deemed to have been registered under this Act and includes a society formed after amalgamation of such two or more societies or by division of such an existing society;
- (p) "Registrar" means a person appointed to perform the duties of a Registrar of Co-operative Societies under this Act;
- (q) "Rules" means rules made under this Act; and
- (r) "Signature" includes the thumb-impression of an illiterate person.

CHAPTER II

REGISTRATION OF SOCIETIES

3. The Registrar.—(1) The Chief Commissioner of Manipur may appoint a person to be Registrar of Co-operative Societies for the Union territory or any portion of it for the registration, supervision, assistance, counsel and control of registered societies and for the development of the co-operative movement and control over all co-operative education and with such other powers and responsibilities as may be provided under this Act or rules or bye-laws framed thereunder.

(2) The Chief Commissioner of Manipur may also appoint persons to assist the Registrar and may by general or special order, in writing, delegate to any such persons or to any other Government Officer all or any of the powers of the Registrar under this Act.

(3) The Chief Commissioner of Manipur may also appoint non-official helpers with such designations and functions as prescribed to aid in the organisation of Co-operative Societies.

4. Societies which may be registered.—Subject to the provisions hereinafter contained a society which has as its chief object the promotion of the economic interests and general welfare of its members in accordance with co-operative principles, or a society established with the object of facilitating the operations

of such a society including a society formed by the division of an existing registered society or amalgamation of existing two or more societies, may be registered under this Act with or without limited liability:

Provided that unless the Chief Commissioner of Manipur by general or special order otherwise directs:—

(1) The liability of a society of which a member is a registered society shall be limited.

(2) The liability of a society of which the primary object is the creation of funds to be lent to its members and of which the majority of the members are agriculturists or artisans, and of which no member is a registered society, shall be unlimited and the members of such a society shall on its liquidation, be jointly and severally liable for and in respect of, all obligations of such a society:

Provided further that no society shall be registered if in the opinion of the Registrar, its declared objects are unlikely to be achieved or if it is economically unsound or if it may have an adverse effect upon any registered society or the co-operative movement as a whole.

5. Age qualification of a member.—No person may be an individual member of a registered society unless he is above eighteen years of age; provided that the bye-laws of a society may prescribe a higher minimum age.

6. Conditions of registration.—(1) No society, other than a society of which a member is a registered society shall be registered under this Act which does not consist of at least ten eligible persons and, in cases where the primary object of the society is the creation of funds to be lent to its members, unless such persons reside in the same town, village or in the same Panchayat Area.

(2) The word "Limited" shall be the last word in the name of every society with limited liability registered under this Act.

7. Restrictions on acquisition of shares in a society.—(1) No member of a registered society shall hold more than such portion of the share capital of the society as may be prescribed by the rules, or the bye-laws of the society.

(2) No member shall be allowed to acquire an additional share until he has paid in full the value of the whole or that portion of his share-holding which he is required to pay in accordance with the bye-laws of his society.

8. Power of Registrar to decide certain questions.—All disputes regarding membership for the purpose of the formation, registration or continuance of a society under this Act shall be decided by the Registrar.

9. Change of liability.—(1) Subject to the proviso to section 4 and to any rules made in this behalf, a registered society may, with the previous sanction of the Registrar, change its liability from limited to unlimited or from unlimited to limited:—

Provided that—

(i) The society shall give notice in writing of its intention to change its liability to all its members and creditors.

(ii) Any member or creditor shall, notwithstanding any bye-law or contract to the contrary, have the option of withdrawing his shares, deposits or loans, as the case may be, within three months of the service of such notice on him and the change shall not take effect until all such claims have been satisfied; and

(iii) Any member or creditor, who does not exercise his option within the period aforesaid, shall be deemed to have assented to the change.

(2) Notwithstanding anything contained in the proviso to sub-section (1) the change shall take effect at once if all the members and creditors assent thereto.

(3) The registrar shall register the amendment of the bye-laws consequent on the change of liability; provided that no person who ceases to be a member of the society before such amendment is registered shall be adversely affected by the change of liability.

10. Application for registration.—(1) An application for registration shall be made to the Registrar in the prescribed Form.

(2) The application shall be signed—

(a) in the case of a society of which no promoter is a registered society, by at least ten eligible persons; and

(b) in the case of a society of which at least one promoter is a registered society, by a duly authorised person on behalf of such registered society and at least one other individual promoter or one other duly authorised person on behalf of another registered society.

(3) The application shall be accompanied by three copies of the proposed bye-laws of the society signed on behalf of the promoters by the president of the inaugural general meeting. Promoters by whom or on whose behalf such application is made shall furnish such information in regard to the society as the Registrar may require and they shall be liable to the full extent of the share money which they have undertaken to subscribe with effect from the date of registration of the society.

11. Registration.—(1) The Registrar shall decide all questions as to whether the application complies with the provisions of this Act and rules thereunder and whether the objects of the society are in accordance with section 4.

(2) When he is satisfied that the application is in order under sub-section (1) and the proposed bye-laws are not contrary thereto, he may register the society and its bye-laws; provided that the Registrar shall have powers to register the bye-laws with such modifications as he thinks are necessary to bring about uniformity in the main with the provisions of the bye-laws of societies which have similar objects or functions.

(3) The Registrar shall endorse the bye-laws in token of registration. Each society shall have a copy of its bye-laws so endorsed.

(4) If the Registrar refuses to register a society or an amendment of the bye-laws of a registered society he shall record his reasons in writing and communicate these reasons and his decision to the promoters or the Secretary of a registered society by a registered letter to their office. The Registrar may at any time review his orders in this respect.

12. Evidence of registration.—A certificate of registration signed by the registrar shall be issued to the society and shall be conclusive evidence that the Co-operative Society duly registered under this Act and that its bye-laws are as attached to the certificate, unless it is proved that the registration of the society has been cancelled or that amended bye-laws have been registered or that the society's copy of the certificate or bye-laws has been tampered with.

13. Amendment of the bye-laws of a registered society.—(1) No amendment of the bye-laws of a registered society, whether by way of addition, alteration, omission, rescission or change of name shall be valid until such amendment has been registered under this Act.

(2) Every proposal for such amendment shall have to be approved by a resolution at a meeting of the General Assembly in accordance with the bye-laws of the society and be forwarded within a month from the date of the resolution to the Registrar; and if the Registrar is satisfied that the proposed amendment is not contrary to the provisions of this Act or rules, he shall, unless for reasons to be recorded in writing he considers fit to refuse, register the amendment.

(3) When the Registrar registers an amendment of the bye-laws of a registered society, he shall issue to the society copy of the amendment certified by him which shall be conclusive evidence that the same has been duly registered, unless it is proved that the registration of the society has been cancelled or that further amendments have been registered or that the society's copy of the amendments have been tampered with. The amendment shall be binding upon the society with effect from the date of registration.

14. Power of Registrar or affiliating society to direct amendment of bye-laws or adoption of rules of procedure.—(1) (i) When it appears to the Registrar that an amendment of the bye-laws of a registered society is necessary in the interests of such society or of the co-operative movement as a whole or for the purpose of bringing about uniformity in the main with the provisions of the bye-laws of societies which have similar objects or functions, he may, by an order in writing, direct

the society to amend its bye-laws in accordance with the amendment drafted and forwarded to the society by him within such time as he may specify in the order.

(ii) If the society fails to make such amendment within the time specified the Registrar shall, after giving the society an opportunity of representing its case, make such amendment himself and register the same. The Registrar shall then forward a copy thereof to the society together with a certificate signed by him which shall be effective as prescribed in section 13(3).

(iii) The Registrar shall not register any amendment of the bye-laws of a society, whether under this section or section 13 of this Act, without the consent of the Chief Commissioner of Manipur if the effect of such amendment is to lessen the degree of control of the Chief Commissioner of Manipur or of the Registrar as already provided for in the bye-laws.

(iv) The Registrar may require any registered society to frame rules of procedure under its bye-laws to govern any part of its business and to send such rules to him for prior approval.

(2) (i) When it appears to an affiliating society that an amendment of the bye-laws of a registered society which is a member and debtor of such society, is necessary in the interests of such society it may suggest to the affiliated society that it makes the amendment within such time as it may specify. The affiliating society shall forward to the affiliated society a draft of the suggested amendment of the bye-laws.

(ii) If the society fails to implement the suggestion within the time specified the affiliating society may forward to the Registrar the amendment which it considers necessary, and the Registrar, if satisfied that the amendment is necessary and not contrary to the provisions of this Act or the rules, may thereupon register the amendment and forward to the society a copy thereof together with a certificate signed by him. The certificate shall be conclusive evidence that the amendment has been registered and such amendment shall thereupon be binding upon the society and its members.

15. Division and amalgamation of societies.—(1) (i) Any registered society may, at a meeting of its General Assembly specially called for the purpose, resolve to divide into two or more societies. At least fifteen clear days' notice of such meeting with the agenda shall be given to its members together with a copy of the proposed resolution.

(ii) Such a resolution shall contain the proposal as to how to divide the assets and liabilities of the society among the newly proposed societies, their areas of operation and the members who will constitute each of the newly proposed societies with draft new bye-laws.

(iii) A copy of the resolution shall be sent to the Registrar within thirty days of its adoption and subject to the Registrar's non-interference within thirty days of the despatch to him of the resolution, the resolution shall be circulated among the members and creditors of the society.

(iv) Notwithstanding any bye-laws to the contrary, any member of the society, and notwithstanding any agreement to the contrary, any creditor of the society, may by notice given to the society within thirty days of the receipt of the resolution intimate in case of a member his intention not to become a member of any of the societies, and in case of a creditor his intention to demand a return of the amount due to him.

(v) After the expiry of ninety days from the passing of the aforesaid resolution a meeting of the General Assembly shall be convened for finally deciding the resolution. At least fifteen days clear notice with the agenda of the meeting shall be given to all members of the society.

(vi) If the General Assembly decides by a three-fourth majority finally to divide the society and if the Registrar approves of the decision, the members, who will constitute each of the newly proposed societies subscribing to the new draft bye-laws shall apply to the Registrar under section 10 for registration of the new societies and the Registrar shall register the societies under section 11.

(vii) The Registrar shall not register the new societies if the application for registration is not accompanied by a certificate of repayment of share capital to members and certificate of satisfaction of claims to creditors referred to in clause (iv).

(viii) From the date on which the new societies are registered under clause (vi) the registration of the old society shall be deemed to have been cancelled.

(ix) The Registration of the new societies shall be a sufficient conveyance to vest the assets and liabilities of the original society according to the aforesaid resolution in the new societies.

(2) (i) Two or more registered societies may, at a meeting of their respective General Assemblies specially convened for the purpose, by giving at least fifteen clear days' notice to the respective members of the societies, resolve to amalgamate into one society by adopting common bye-laws.

(ii) A copy of such resolution of each society shall be circulated forthwith among all members and creditors thereof.

(iii) Notwithstanding any bye-laws to the contrary, any member of any such societies and, notwithstanding any agreement to the contrary, any creditor of any such societies, may within a period of thirty days from the receipt of the aforesaid resolution, intimate his intention not to become a member of the new society, in the case of a member, and to demand a return of the amount due to him, in the case of a creditor.

(iv) After the expiry of ninety days from the date of the aforesaid resolution, a joint meeting of the members of such societies shall be convened to decide finally the aforesaid resolution.

(v) At least fifteen clear days' notice shall be given to all the members of the societies. If at such meeting the aforesaid resolution is confirmed by a majority of three-fourths of the members of each society present and the common bye-law are accepted with or without any alterations, the Registrar shall be moved by an application under section 10 for registration and he shall register the new society under section 11 if he approves.

(vi) The Registrar shall not register the new society if the application for registration is not accompanied by a certificate of repayment of share capital to members and a certificate of satisfaction of claims of creditors referred to in clause (iii).

(vii) From the date on which the new society is registered the registration of the old societies shall be deemed to have been cancelled.

(viii) The registration of the new society shall be a sufficient conveyance to vest in it all the assets and the liabilities of the original societies.

CHAPTER III

RIGHTS AND LIABILITIES OF MEMBERS OF REGISTERED SOCIETIES

16. Member not to exercise rights till due payment made and conditions fulfilled.—No member of a registered society shall exercise the rights of a member unless or until he has made such payment to the society in respect of membership or acquired such interest in the society, as may be prescribed by the rules or bye-laws.

17. Votes of members—(1) Irrespective of the shares he holds in the society and subject to any temporary disqualifications from voting which may be prescribed in bye-laws and to the provisions of section 31(2)(b) relating to voting by representatives, a member of a registered society shall have one vote only in the affairs of the society.

Provided that in the case of an equality of votes the chairman at any meeting shall have a second or casting vote:

Provided further that the bye-laws of a society may provide for more than one vote in the case of an affiliated society.

(2) A registered society which is a member of another registered society may appoint one of its members qualified under any rule or bye-laws to vote in the affairs of such other society as its representative.

(3) Voting by proxy shall not be allowed except as prescribed in a registered society's bye-laws; Provided that in registering the bye-laws of a society the Registrar shall not permit voting by proxy except in cases, such as those involving a wide area of operation, where it would be difficult for members to exercise their right to vote if voting by proxy were not permitted.

18. Member of unlimited society to furnish information as to his financial position.—(1) A full, true and accurate statement of his assets including his immovable property and liabilities shall be furnished—

(a) by an applicant for membership of a registered society with unlimited liability, together with his application.

- (b) by a member of a registered society with unlimited liability then required to do so by the Registrar or any person authorised by him in this behalf or by the affliating society.

(2) No member of a registered society with unlimited liability shall be a member of more than one such society.

(3) A member of a registered society with unlimited liability shall furnish to the society full, true and accurate information regarding his intention to transfer his immovable property, in whole or in part by way of sale, mortgage or gift at least fifteen days before completion of each such transaction.

19. **Loan to be utilised for the purpose for which advanced.**—The loan advanced by a registered society to a member thereof shall be utilised by him for the purpose for which it was advanced and for no other purpose. The society shall have power to recover the advance as prescribed if the member does not so utilise it.

20. **Restrictions on transfer of share or interest.**—(1) The transfer or charge of the share or interest of a member in the capital of a registered society, shall be subject to such conditions as to maximum holding as may be prescribed by this Act or by the rules.

(2) Except as otherwise provided in this Act no transfer or charge of his share or interest by a member of a society with unlimited liability shall be valid unless—

(a) he has held such share or interest for not less than one year; and

(b) the transferee or mortgagee is either a member of such society or a person whose application for membership has been accepted.

21. **Liability of past member and his estate.**—(1) The liability of a past member and of the estate of a deceased member for the debts of a registered society as they existed at the date of his ceasing to be member or of his death, as the case may be, shall continue for a period of four years from the said date

(2) No past member of a registered society with unlimited liability shall be eligible for membership of another such society with unlimited liability except with the special permission of the Registrar.

22. **Share or interest not liable to attachment**—Notwithstanding anything contained in any law for the time being in force but subject to the provision of section 44 of this Act, the share or interest of a member in the capital of a registered society or in, any fund under section 53 shall not be liable to attachment or sale under any decree or order of a court in respect of any debt or liability incurred by such member nor be subject to any claim by a receiver under the Provincial Insolvency Act, 1920 (V of 1920).

23. **Nomination of transferee.**—If the bye-laws of a registered society so permit, any member of the society may, in accordance therewith nominate a person or persons in whose favour the society shall dispose of the shares or interests of such member on his death.

24. **Transfer of interest on death of member.**—When a member of a registered society dies his shares and interest, in the society shall subject to the provisions of this Act, be transferred—

(a) to the person, if any, nominated in accordance with the provision of section 23; or

(b) if there be no such nominee or if the nominee is not available or is difficult to be ascertained by the managing body, or if for any other cause such transfer cannot be made without unreasonable delay or difficulty, to the person as may appear to the managing body to be the heir or legal representative of the deceased member; provided that ninety days have elapsed from the date of the member's death. No new claim shall be entertained after the said period of ninety days.

25. **Disposal of shares or interest of ceased members.**—When a member of a registered society is expelled or withdraws or otherwise ceases to be a member under this Act, rules or bye-laws his share of interest shall be transferred to another eligible person, and the value thereon, determined in accordance with the rules, shall be paid to such ceased member if his share or interest is not forfeited under the provisions of this Act, rules or bye-laws or if he is insane, to any person appointed to manage his properties under the Indian Lunacy Act, 1912; provided

that if there is no eligible transferee and if the bye-laws of the society so provide the value of his share or interest determined in accordance with the bye-laws shall be paid to him or, if he is insane, to any person appointed to manage his properties under the Indian Lunacy Act, 1912 (IV of 1912).

26 Liability of members on winding up of society.—The members of a registered society shall in the winding up of the society, be jointly and severally liable to contribute towards any deficiency in the assets of the society—

- (a) in the case of a society with unlimited liability without limit; and
- (b) in the case of a society with limited liability, subject to such limitation of amount as may be provided in the bye-laws.

27. Restriction on transfer of possession of land held under a society.—Notwithstanding anything in any law for the time being in force—

- (1) a member of a registered society, the object of which is to develop Co-operative or Collective farming, shall not be entitled to transfer his possession or interest in any land held by him under the society, except to the society or with the previous approval of the managing body and in accordance with its bye-laws, to a member thereof or to a person who will be admitted as a member of the society;
- (2) on the death of such a member, his possession of and interest in any such land held by him under the society shall come to his nominee in accordance with the provisions of section 23 or in the first eligible heir according to seniority in age willing to become a member of the society;
- (3) if no nominee or heir becomes a member the possession of and interest in such land of the deceased, shall vest in the society, which shall pay to the nominee or the heir, a sum equivalent to the value of the share and interest of the deceased member and any other sum due from the society as determined in accordance with this Act or rules framed thereunder after deducting all dues which the deceased member owed to the society;
- (4) if there is no person qualified to succeed to the share or interest of the deceased member the society shall pay to his heir, executor or the legal representative as the case may be, a sum equivalent to the value of the share and interest of the deceased member as determined in accordance with the rules after deducting the dues of the deceased to the society;
- (5) When in any other case a member ceases to be a member of such a society under this Act, rules or bye-laws, his possession of and interest in any such land held by him under the society shall come to the society. If the bye-laws allow and if the share and interest of the member is not forfeited under this Act or rules framed thereunder, the society shall pay to the ceased member a sum equivalent to the value of the share and interest of such member and any other sum due to him from the society after deducting his debts to the society after deducting his debts to the society, if any;
- (6) no land held under a registered society specified in sub-section (1) by a member thereof, or vested under sub-section (2) in the heir or nominee of such member, shall be attachable in any suit or proceeding for the recovery of any debt other than a debt due to the society or to a member thereof;
- (7) no land shall vest in such a society by reason of the provisions of this section unless it is owned by the society or has been leased to the society and, if the society holds the land by lease or contract, the land shall vest in the society only during the pendency of the lease or contract.

28. Right of a registered society to pay prior debts of a mortgagor.—(1) Where a mortgage is executed in favour of a registered society for payment of prior debts or part thereof, of the mortgagor secured on the mortgaged property, the registered society may, notwithstanding the provisions of sections 83 and 84 of the Transfer of Property Act 1882 (IV of 1882), by notice in writing and served by registered post with acknowledgment due, require any person to whom any such debt is due to receive payment of such debt or part thereof from the society at its registered office within such period as may be specified in the notice.

(2) The person on whom such notice is served shall be bound to receive payment of the amount offered by the society, but where there is disagreement or dispute between the mortgagor and such person as regards the amount of the debt, or where the society tenders less than the agreed amount of debt, the receipt of the sum offered by the society shall not debar such person from enforcing his right to recover the balance claimed by him.

(3) If any such person refused to receive such notice or such payment, such debt or part thereof as the case may be, shall cease to carry interest from the expiration of the period specified in the notice and the property mortgaged under sub-section (1) shall be deemed to have been freed from the encumbrance of such prior mortgage.

(4) No society shall advance a loan on a mortgage without taking a declaration from the prospective mortgagor as to the names of prior mortgagees of the property in question, if any

29. Restrictions on mortgaged property.—Where land is mortgaged to a registered society—

(1) the mortgagor shall not be entitled without the approval of the society to transfer or mortgage his equity of redemption or to create a charge upon or lease out such property for a period exceeding three years.

(2) If the mortgaged property at any time is wholly or partially destroyed or the security is rendered insufficient due to fall in value or for any other reason and the mortgagor having been given a reasonable opportunity by the society of providing for further security sufficient to cover the loan or of repaying the loan with interest or such portion to the loan as may be determined by the supervisory, managing or controlling body and the mortgagor having failed to provide such security or repay such portion of the loan, the whole of the loan or such unconcerned portion shall be deemed to fall due at once and recoverable through a co-operative demand certificate.

(3) Notwithstanding anything contained in the Transfer of Property Act, 1882 (IV of 1882), the mortgaged property, in case of default of payment of mortgage money or any part thereof, may be sold by the society as prescribed by rules in addition to any other remedy available to it, without the intervention of the court, if a power of sale without the intervention of court is expressly conferred by the mortgage deed, provided the society served a notice in writing by registered post demanding payment of the mortgage money with interest, or part thereof, upon the mortgagor or, any person having an interest in or charge upon the mortgaged property or the equity of redemption who has previously notified the society of such interest or charge in writing or any surety, and if default has been made in payment of the loan or part thereof for three months after such service of notice. Provided that any party aggrieved by an action taken by a registered society under this section may prefer an appeal to the Registrar within thirty days from the date of the sale. His decision shall be final.

30. Bar to certain claim.—All payments and transfers made by a registered society under this chapter, shall be valid and effectual against any demand made upon the society by any other person.

CHAPTER IV

MANAGEMENT

31. General Assembly.—(1) General Assembly of a registered society shall consist of all those who are eligible to vote at general meetings of the society.

(2) (a) Every member of a registered society and every ex-officio member of the Administrative Council or managing body of such society, unless under some temporary disqualification, shall have the right to attend any general meeting of the society and to exercise his vote at such meeting. Provided that the bye-laws of a registered society may prescribe:—

(i) that a registered society affiliated to such society may have more than one representative entitled to vote at general meetings of the society; and

(ii) that only one-third of the members of the General Assembly, excluding ex-officio members, may be individual members, the other two-thirds being representatives of affiliated registered societies.

(b) When the bye-laws of a registered society contain the provision of sub-section (2) (a) (ii), if the number of individual members exceed one-third of the total membership of the society, the individual members shall elect at a special meeting, to be called by the Secretary of the society not more than one month before the annual general meeting in the manner prescribed in the bye-laws for annual general meetings, those individual members who, as the representatives of the body of individual members, shall from the one-thirds membership of the general Assembly for the purpose of voting at the annual and other meetings of the General Assembly during the ensuing year, only such elected representatives having the right to attend and vote at such general meetings.

(3) The supreme authority of a registered society shall be vested in the General Assembly. Provided that during the pendency of any loan or service from the Government, or any other creditor secured at the instance of the Government, the supreme authority in respect of any matter adversely affecting the interests of the Government or the said creditor touching such loan or service shall be vested in the Chief Commissioner of Manipur or the Registrar, as may be provided in the bye-laws, or any person authorised by them in writing, and may extend to the appointment of officers to hold any of the offices of the society or any persons to be ex-officio members of the Administrative Council, managing body or any committee of the society even if not members of the society. This supreme authority of the Chief Commissioner of Manipur or Registrar may also be exercised in the absence of any loan or service when the Chief Commissioner of Manipur or Registrar, as the case may be, deem their intervention to be necessary in the interests of the members of the society or of the Co-operative movement in general. The Chief Commissioner of Manipur or the Registrar as the case may be, may fix the salary of any such appointed officer and declare it to be a charge on the society. They may cancel any such appointments made by them.

(4) An annual or special meeting of the General Assembly shall be summoned and shall exercise its authority and perform its functions in such manner as may be prescribed in the bye-laws of the society.

32. Annual Meeting of General Assembly.—(1) A general meeting to be termed the annual general meeting of the General Assembly of a registered society shall be held at least once in every Co-operative year for the purpose of—

- (a) electing members to the Administrative Council, managing body and other committees of the society, the Chairman, Vice-Chairman, and other office bearers, as may be provided in the bye-laws, and fixing such fees, salaries or other remuneration as prescribed in the bye-laws; Provided that the Chief Commissioner of Manipur may prescribe by rules the qualifications necessary for office bearers and employees;
- (b) electing an internal auditor or auditors, who shall not be members of the Administrative Council or governing body, and fixing the remuneration;
- (c) considering the annual report of the Administrative Council or, if there be no Administrative Council, of the managing body, audit report and audited annual accounts and balance sheets and reviewing the working of the society during the preceding Co-operative year;
- (d) deciding how profits are to be distributed in accordance with the bye-laws;
- (e) passing the annual budget and approving the programme of work for the ensuing year;
- (f) fixing the maximum amount of liability to be incurred during the ensuing year and the maximum rate of interest payable on deposits; and
- (g) considering such other business as may be placed before the meeting in accordance with the bye-laws.

(2) Such meeting shall be held not more than fifteen months after the date of the last preceding meeting held under sub-section (1) and unless the Registrar on special grounds extend the period, within three months of the receipt of the statutory annual audit report.

33. Special meeting of General Assembly.—(1) A Special Meeting of the General Assembly shall be called—

- (a) at the instance of the Administrative Council or if there be no Administrative Council, of the managing body;
- (b) at the request of the Chairman of the society;

- (c) on a requisition signed by one-tenth of the members of the General Assembly or twenty members, whichever is less; or
- (d) at the instance of the Registrar;

(2) The Registrar himself or any person authorized by him in this behalf, in writing, may, by special order call a special meeting of the General Assembly at any time and shall call such a meeting upon the failure of the society to call a meeting on the requisition by the members or at the instance of the Registrar under sub-section (1).

(3) Notwithstanding any rule or bye-law prescribing the method of summoning or period of notice for a General Assembly, the Registrar or any person authorised by him in this behalf, may specify the time, place, business for the meeting and manner of convening it.

34. Administrative Council.—The management of every registered society shall vest in the managing body of the society, except in the case of a society, which for administrative convenience necessitated by reasons such as wide area of operation, that responsibility shall vest in an Administrative Council. The Administrative Council, the managing body and committees of a society shall be constituted in accordance with the bye-laws of the society, which shall specify the composition of such bodies, their powers, functions, duties, method of summoning meetings and procedure.

35. Power to depute Government servant to manage the affairs of a society.—The Chief Commissioner of Manipur may, on the application of a registered society and on such conditions as may be determined, depute Government officials to the service of the society for the purpose of managing its affairs and the official shall exercise such powers and perform such duties as may be determined.

36. Dissolution or reconstruction of the Administrative Council managing body or any committee of a society.—(1) When the Registrar is satisfied, after an inspection or enquiry under section 60 or 61 for reasons to be recorded in writing, that the Administrative Council, managing body or any committee of a registered society is not functioning properly or according to this Act, rules or bye-laws, he may, after giving the offending body an opportunity to state its case, direct under clause (d) of sub-section (1) of section 33, that a special general meeting of the General Assembly be called within a time to be specified to dissolve the Administrative Council, managing body or committee concerned and to elect a new one. Provided that if in the opinion of the Registrar it is necessary as an emergent measure to suspend the offending body forthwith, he may do so and shall appoint a person or persons, on such conditions as prescribed by him, to be in full control of the suspended body until a new body has been elected or action has been taken in accordance with section 37.

(2) The Registrar may, for reasons to be recorded, specify in the direction made under sub-section (1) that all or any of the outgoing members of the dissolved body shall be disqualified for such period not exceeding three years as he may determine, for election or appointment as an officer of the society or for service on any of its bodies.

(3) An appeal shall lie to the Chief Commissioner of Manipur against an order of the Registrar disqualifying a member of a society for election or appointment within two months from the receipt of the order.

37. Dissolution of Administrative Council, Managing body or any committee and appointment of persons to manage the affairs of a Society.—If the Administrative Council managing body or any committee, as the case may be, of a society is not dissolved and reconstituted within the time specified by the Registrar under section 36, he may by order in writing dissolve such body and shall thereupon appoint a person or persons, on such conditions as prescribed by him, to manage the affairs of the society for such period not exceeding one year when he shall arrange for the constitution of a new body to take the place of the dissolved body. The Registrar may extend this period from time to time as he may deem fit; provided that the aggregate of such periods shall not exceed three years.

38. Tenure of office of the person appointed under section 37.—The person appointed under section 37 shall hold office until the Administrative Council, managing body or committee, as the case may be, is reconstituted or his appointment is cancelled by the Registrar.

39. Powers of person appointed under section 37.—During the tenure of office of a person appointed under section 37 such person shall, subject to the control of the Registrar, exercise all the powers and perform all the functions and duties which may be exercised or performed by the superseded body under the provisions of this Act, rules or bye-laws

CHAPTER V

DUTIES OF REGISTERED SOCIETY

40. Address of Society.—Every registered society shall have a registered address, to which all notices and communications may be sent and shall send notice in writing of every change thereof, within thirty days of such change, to the Registrar and to the affiliating society if any.

41. Prescription and inspection of documents.—(1) Every registered society shall keep and allow inspection free of charge by any member of the society and such other persons as may be prescribed at all reasonable times at the office of the society—

- (a) A copy of this Act.
- (b) A copy of the rules framed under this Act.
- (c) A copy of the bye-laws of the society.
- (d) A copy of all rules framed under the bye-laws of the society.
- (e) Annual balance sheet authenticated by the Audit Officer, and
- (f) Such other books, forms, registers or other documents as may be prescribed by the Registrar.

(2) A society shall deliver to every member on payment of a sum prescribed by the society's bye-laws or rules, copies of documents certified to be true copies.

42. Restrictions on borrowing.—A registered society may receive deposits and may borrow from its members and from persons who are not members to such extent and on such conditions as may be prescribed in the Act and bye-laws.

43. Power of Chief Commissioner of Manipur to give financial assistance.—Notwithstanding anything contained in any law for the time being in force, the Chief Commissioner of Manipur may grant loans to, take shares in, guarantee the principal or the interest or both in respect of debentures issued by or give financial assistance in any other form to, any registered society, which puts forward a satisfactory scheme for the utilisation of the funds so raised. The Chief Commissioner of Manipur may recover from any society out of its net profit in any year all or any part of such financial assistance.

44. Restrictions on loans.—(1) A registered society shall not give loans—

- (a) to any person other than a member except with the general or special sanction of the Registrar; provided that a loan may be given to a depositor of the society on the security of his deposit, or
- (b) to a member in excess either of the maximum or of the normal credit determined by the society for that member in accordance with its bye-laws; provided that in assessing normal credit the managing body shall take a full statement as to the member's means of earning,
- (c) on the security of movable property or future movable property, unless the movable property is placed with the society,
- (d) on personal security without sureties, unless the borrowing member has unencumbered immovable property or attachable funded assets sufficient to cover the loan and a full statement of such securities is submitted by the borrower and the truth of the statement is ascertained by the managing body,
- (e) on personal security with sureties, unless the borrowing member and his sureties together have unencumbered immovable property or attachable funded assets sufficient to cover the loan and a full statement of such securities is submitted by the borrower and the sureties separately and the truth of the statements is ascertained by the managing body,
- (f) on personal security, with or without sureties, unless the loan is for a short period not exceeding the time required to reap the benefit of the loan and in no case exceeding three years.

(2) (a) Notwithstanding the provisions of sub-clauses (1) (b), (d) and (e) a loan may be given on personal security provided that the managing body of the society is satisfied as to the credit of the borrower and has taken from him a scheme for the utilisation of the loan and has ascertained the truth of the statements contained in the scheme and the *bona fides* of the borrowing member.

(b) the resolution of the managing body granting a loan under this section shall contain the names of all assenting members; provided that, if such names are omitted from the proceedings of the meeting, the Chairman and Secretary shall be held jointly and severally responsible for the issue of the loan,

(c) notwithstanding the provisions of sub-clauses (1) (b) to (f) and (2) (a) and (b), a registered society may issue a loan on mortgage or valuable security,

(d) no personnel shall be accepted as a surety for any borrower unless he is also a member of the same registered society.

(3) A registered society, the primary object of which is not the issue of loans, shall open a separate accounting or finance or banking branch in accordance with its bye-laws and frame rules for the conduct of business in such branch before it issues any loans and such rules shall first be approved by the Registrar.

45. Office bearer of society is required to furnish information and produce documents.—(1) Every office bearer of a registered society shall produce documents and books of account, cash balance in his custody, and appear before and furnish such information in regard to the transactions or working of the society as may be required of him by the Registrar, or persons authorized by the Registrar in this behalf, an audit officer, arbitrator, liquidator or any person conducting an inspection or inquiry under the provisions of this Act and the Rules made thereunder.

(2) (a) At any sale of property, movable or immovable, held under this Act or rules framed thereunder, no office bearer of the registered society concerned or any person having any duty to perform in connection with such sale, shall either directly or indirectly bid for, acquire or attempt to acquire any interest in such property.

(b) Any office-bearer of a society or a liquidator may on behalf of the society bid and purchase at a sale of mortgaged property.

CHAPTER VI

PRIVILEGES OF REGISTERED SOCIETIES

46. Prior claim of a society.—(1) Notwithstanding anything contained in sections 60 and 61 of the Code of Civil Procedure, 1908 (V of 1908), any debt or outstanding demand due to a registered society by any member, surety, past member, or the estate of any deceased member shall be a first charge,

(a) if such debt or demand is due in respect of the supply, or any loan to provide the means of such supply, of seed, manure, labour fodder for cattle or any other thing incidental to the conduct of agricultural operations,—upon the crops or agricultural produce of such member, past member or belonging to the estate of such deceased member, at any time within two years from the date of such supply or loan or from the date on which the last instalment of such supply or loan became repayable;

(b) if such debt or demand is due in respect of the supply of, or any loan for the purchase of cattle, agricultural implements or warehouses for the storage of agricultural produce—in the manner and to the extent aforesaid upon the crops or agricultural produce of such member, past member or belonging to estate of such deceased member and also upon the cattle, agricultural implements or warehouse thus supplied or purchased wholly or in part from any such loan;

(c) If such debt or demand is due in respect of the supply of, or any loan for the purchase of raw-materials, industrial implements, machinery, workshop, warehouses or business premises,—upon the raw materials or other things supplied or purchased by such member, past member or the deceased member wholly or in part from any such loan and also upon any articles manufactured from raw-materials or with implements or machinery so supplied or purchased wholly or in part from any such loan;

- (d) if such debt or demand is due in respect of any loan for the purchase, improvement or redemption of land or for the purchase or construction of any house, building or any portion thereof,—upon the land purchased, improved or redeemed or the house or building so purchased or constructed by such member, past member or the deceased member from any such loan.

(2) Nothing in this section shall affect the claims of any *bona fide* purchaser or transferee for value without notice.

47. Charge and set off in respect of shares or interest of members.—A registered society shall have a charge upon the share or interest in the Capital and on the deposits of a member or past member or deceased member and upon any dividend, bonus or surplus payable to a member or past member or the estate of a deceased member in respect of any debt due from such member or past member or estate of such deceased member to the society and may set off any sum credited or payable to a member or past member or estate of a deceased member in or towards payment of any such debt.

48. Deduction of dues from salary of members.—If a member of a registered society, who is an employee of the Government or any local authority, takes a loan from a society and contracts to repay it by instalments, and authorises the society to recover such instalments by deduction from his salary, the person who disburses any amount payable to such member as salary or remuneration in respect of such employment shall, on demand from the society, debit the amount of such instalment from the amount disbursed to such member as salary and shall forthwith remit to the society the amount so deducted.

49. Exemption from compulsory registration and personal attendance for registration of instruments.—Nothing in clauses (b) and (c) of sub-section (1) of section 17 of the Indian Registration Act, 1908 (XVI of 1908) shall apply to:—

- (1) any instrument relating to shares in a registered society, notwithstanding that assets of such society consists in whole or in part of immovable property; or
- (2) any debenture issued by any such society and not creating, declaring, assigning, limiting or extinguishing any right, title or interest to or in immovable property, except in so far as it entitles the holder to the security afforded by a registered instrument whereby the society has mortgaged, conveyed or otherwise transferred the whole or part of its immovable property or any interest therein to trustees upon trust for the benefit of such debentures; or
- (3) any endorsement upon or transfer of any debenture issued by any such society.
- (4) Notwithstanding anything contained in the Indian Registration Act, 1908, it shall not be necessary for any office bearer of a registered society or a liquidator of a society to appear in person or by agent at any registration office in any proceeding connected with the registration of any instrument executed by him in his official capacity or to sign as provided in section 58 of that Act.
- (5) Where any instrument is so executed, the registering officer to whom such instrument is presented for registration may, if he thinks fit, refer to such office bearer or liquidator for information regarding the same and on being satisfied of the execution thereof, shall register the instrument.

50. Power to remit certain duties, fees, etc.—(1) The Chief Commissioner of Manipur may by general or special order in the case of a registered society or class of registered societies remit any tax, cess or fee payable under any law for the time being in force or the rules thereunder in respect of which they are competent to remit such tax, cess or fee.

(2) The Chief Commissioner of Manipur may, in respect of any registered society or class of registered societies, by notification in the official gazette, remit—

- (a) the stamp duty other than stamp duties falling within item 91 or item 96 in list I in the seventh schedule to the Constitution of India in respect of any instrument executed by, or on behalf of, or in favour of, a registered society or by an officer or on behalf of a member thereof, and relating to the business of such society or any class of

such instruments, co-operative demand certificates or decisions, awards of orders of Registrar or arbitrators under this Act, in cases where, but for such remission, the registered society, officer or member thereof, as the case may be, would be liable to pay the stamp duty chargeable under any law for the time being in force, in respect of such instrument, and

- (b) any fee payable by a registered society under any law for the time being in force for the registration of documents or of court fee for the time being in force.

CHAPTER VII

PROPERTY AND FUNDS OF REGISTERED SOCIETY

51. Investment of funds.—(1) A registered society may invest or deposit its funds—

- (a) in a Government Savings Bank, or
- (b) in any of the securities specified in section 20 of the Indian Trust Act, 1882, other than those specified in clause (e) of that section, or
- (c) with the sanction of the Registrar, in the shares or debentures or in the security of any other registered society, or
- (d) with any registered society, bank or persons carrying on the business of banking approved for this purpose by the Registrar, or
- (e) in any other mode permitted by the bye-laws.

(2) Such investment shall be accounted for separately from the Reserve Fund of the registered society.

52. Reserve Fund.—(1) Every registered society shall maintain a Reserve Fund formed from its profits and carry to the fund in each year not less than twenty per centum of its net profits.

(2) The Reserve Fund shall be invested separately in any of the ways prescribed in section 51 or, with the sanction of the Registrar, in immovable property required for the furtherance of the activities of the society. Any such investment shall be deemed to constitute Reserve Fund. No instrument securing a loan on a Reserve Fund shall be valid.

(3) The Reserve Fund shall not be utilised for any purpose whatsoever except with the sanction of the Registrar, who shall accord such sanction only in exceptional circumstances.

53. Distribution of net profit.—After making the allocation to the Reserve Fund as prescribed in the section 52, the remaining net profits of a registered society may be distributed according to the bye-laws of the society.

54. Restriction on distribution of profits.—(1) Save as may be prescribed no distribution of profit shall be made in the case of a registered society with unlimited liability and no part of the net profit or of a fund of any society shall be divided by way of dividend, bonus, patronage dividend, rebate or otherwise among its members.

(2) No dividend, bonus, patronage dividend, or rebate shall be paid—

- (a) otherwise than out of net profits certified by the audit officer to have been actually realised; provided that advance patronage dividend may be paid in accordance with the directions of the Registrar and on the certificate of an internal auditor approved by the Registrar; or
- (b) without the previous sanction of the Registrar, if the audit officer reports that any asset is bad or doubtful and also recommends that such sanction is necessary.

(3) Notwithstanding anything contained in the section payments may be made to members as a fixed interest on share capital, if so provided in the bye-laws.

CHAPTER VIII

AUDIT

55. Registrar is responsible for audit.—(1) The Registrar shall audit or cause to be audited by some person authorized by him by general or special order in writing in this behalf the accounts of every registered society and society under liquidation once at least in every year.

(2) The Registrar or the person authorized by him in this behalf shall at all reasonable times have free access to the books, accounts, documents, securities, cash and other properties belonging to or in the custody of the society and may summon any person in possession or responsible for the custody of any such books, accounts, documents, securities, cash or other properties to produce the same and furnish such information in regard to the transactions and working of the society at any convenient place or at the headquarters of the society or any branch thereof by the same means and so far as may be, in the same manner as provided in the Code of Civil Procedure, 1908 (V of 1908).

(3) In respect of every audit of the accounts, a registered society shall pay such audit fee as may be prescribed and such fee shall be deemed to be outstanding dues from the society.

56. Power of the Registrar to have the accounts written up.—If at the time of the audit the accounts of a registered society are not complete, the Registrar or with his sanction, the audit officer, may cause the accounts to be written up at the expense of the society. Such expenses shall at the first instance be met from the grant under the Head 'Contingencies' by the Registrar and shall be re-imbursed later on from the society concerned along with the audit fees.

57. Nature of audit.—The audit shall include—

- (i) a verification of the cash balance and securities;
- (ii) a verification of the balance at the credit of the depositors and creditors and of the amounts due from the debtors of the society;
- (iii) an examination of overdue debts, if any;
- (iv) the valuation of the assets including stock verifications, and liabilities of the society;
- (v) an examination of the statement of accounts and balance sheets to be prepared by the managing body of the society in such forms as may be prescribed;
- (vi) a certification of the realised profits; and
- (vii) any other relevant matter.

58. Audit report.—The audit officer shall, within a week from the date of completion of audit, submit to the registered society, and to the Registrar, together with the statement of accounts audited, an audit report including a statement of—

- (i) every transaction which appears to him to be contrary to law or to the rules or bye-laws;
- (ii) every sum which ought to have been but has not been brought into account;
- (iii) the amount of deficiency or loss which appears to have resulted from any negligence or misconduct or to require further investigation;
- (iv) any money or property belonging to the society which appears to have been misappropriated or fraudulently retained by any person;
- (v) any of the assets which appears to him to be bad or doubtful;
- (vi) any irregularity in maintaining accounts; and
- (vii) any other relevant matter.

59. Rectification of defects.—A registered society shall be afforded by the Registrar an opportunity of explaining any defects, or irregularities pointed out and objected to by the audit officer, and thereafter the society shall, within such time and in such manner as the Registrar may direct, remedy such defects and irregularities and report to the Registrar the action taken by it thereon.

CHAPTER IX

INQUIRY AND INSPECTION

60. Inquiry by Registrar.—(1) The Registrar may, at any time, of his own motion or shall at the request of the administrative head in charge of the Civil Sub-division or other Administrative Area, hold an inquiry or direct some person authorized by him by order in writing in this behalf, to hold an enquiry into the constitution, working and financial condition of a registered society.

(2) Such an inquiry shall also be held on the application of—

- (i) the affiliating society, if any, of which the society is a member and a debtor;
- (ii) a majority of the members of the managing body;
- (iii) one-third of the members of the society, who shall have deposited such security for costs, if any, as the Registrar may direct;
- (iv) creditors representing not less than one half of the borrowed Capital of the society, who shall have deposited such security for costs, if any, as the Registrar may direct;

(3) The Registrar shall communicate the result of any enquiry under this section to the society and to the person at whose request such enquiry was made.

61. Inspection of society.—(1) Every registered society shall be liable to inspection at any time by the Registrar or any person authorized by him in this behalf by general or special order; and by any affiliating society if so provided in its bye-laws.

(2) Any inspection of a registered society shall be made by the Registrar or any person authorised by him in this behalf by an order in writing at any time on the application of a creditor of a registered society:

Provided that no inspection shall be made under this sub-section unless (i) the creditor deposits with the Registrar such sum as security for the cost of the proposed inspection as the Registrar may require and (ii) the creditor satisfies the Registrar that the alleged debit is a sum then due and that he has demanded payment thereof and has not received satisfaction within a reasonable time.

Provided further that no inspection shall be conducted under this sub-section without giving the society an opportunity of being heard.

(3) The result of an inspection under this section shall be communicated to the society and, if held at the instance of a creditor, to the creditor.

62. Cost of enquiry and inspection.—(1) When an inquiry is held under section 60(2) or an inspection is made under section 61(2), the Registrar may, after giving the parties an opportunity of being heard, apportion the cost or such part of the cost as he may deem fit, between the society, the members thereof or the affiliating society or the creditor or creditors applying for such inspection or inquiry, as the case may be, and the officers, former officers, members and past members of the society.

(2) No expenditure from the fund of a registered society shall be incurred for the purpose of defraying any cost in support of any appeal preferred by any person other than the society itself against an order under sub-section (1).

(3) Any person authorised by the registrar under sections 60 and 61 shall have all the powers of the Registrar when acting under these sections.

(4) *Recovery of costs.*—Any sum awarded by way of cost under this section shall be recoverable through a Co-operative demand certificate.

CHAPTER X

SETTLEMENT OF DISPUTES

63. Reference of dispute.—Any dispute touching the business of a registered society, other than a dispute regarding disciplinary action taken by a society against an employee of the society, or of the liquidator of a society shall be referred to the Registrar for decision if the parties thereto are among the following—

- (a) the society, its past or present controlling or managing body, any past or present officer, agent or employee or the liquidator of the society;

- (b) member, past member or persons claiming through a member, past member or deceased member of the society; or
- (c) a surety of a member, a past member or deceased member of a society; or
- (d) any other registered society or the liquidator of such society.

64. Settlement of dispute.—(1) The Registrar shall on receipt of a reference under section 63—

- (a) decide the dispute himself or authorise any other Government Officer to decide the dispute; or
- (b) refer it for disposal to an arbitrator appointed by the Registrar or to three arbitrators one to be nominated by each of the parties to the dispute and the third, who shall be nominated by the Registrar, to act as Chairman. Where any party to the dispute fails to nominate an arbitrator within fifteen days after the communication of this notice, the Registrar may himself make the nomination. No legal practitioner may be nominated as an arbitrator by any party to a dispute or by the Registrar.
- (c) An arbitrator appointed under the previous sub-clause shall be governed by the Indian Arbitration Act, 1940 (X of 1940.), with such statutory re-enactment or modification thereof as shall from time to time be made.

(2) The Registrar may withdraw any reference of such dispute referred under sub-section (1) and may deal with it himself under the said sub-section.

(3) Where the Registrar is satisfied that a party to any reference made to him under section 63 with intent to defeat or delay the execution of any decision that may be passed thereon—

- (a) is about to dispose of the whole or any part of his property; or
- (b) is about to remove the whole or any part of his property from the local limits of the jurisdiction of the Registrar, the Registrar may, unless adequate security is furnished, direct the conditional attachment of the said property or such part thereof as he deems necessary; and such attachment shall have the same effect as if it had been made by a competent Civil Court.

CHAPTER XI

DISSOLUTION OF SOCIETY

65. Cancellation of registration.—(1) If the Registrar, on receipt of an application made upon a resolution adopted in a meeting of the General Assembly by a three fourths majority of the members present at the meeting provided that the notice of dissolution was included in the circulated agenda of the meeting, is of opinion that society ought to be dissolved, he may by an order in writing cancel the registration of the society.

(2) The Registrar, after an enquiry has been held under section 60 or after an inspection has been made under section 61, may cancel the registration of a society which—

- (i) has not commenced working; or
- (ii) has ceased working; or
- (iii) has ceased to comply materially with any condition as to registration in this Act, rules or bye-laws, and
- (iv) in his opinion ought to be dissolved.

(3) A copy of the order cancelling the registration of a society shall forthwith be published in the official Gazette by a notice which shall be communicated to the society and to any affiliating society concerned by registered post. The notice shall contain the name of the liquidator appointed under section 66, who shall take full charge of the society forthwith and shall require all claims against the said society to be made to the liquidator within two months of publication of the notice. All liabilities recorded in the account books of the society shall be deemed as *ipso-facto* to have been so claimed.

(4) When the cancellation of the registration of a society takes effect, the society shall cease to exist as a corporate body, but shall vest in the liquidator.

(5) Any member of the society may, within two months from the date of publication of the order of cancellation, appeal to the Chief Commissioner of Manipur from such order.

(6) Where no appeal is presented within two months from the publication of an order cancelling the registration of the society, the order shall take effect on the expiry of that period.

(7) When an appeal is presented within two months of an order of cancellation, the order shall not take effect until it is confirmed by the Chief Commissioner of Manipur and such confirmation is communicated to the society by registered post.

66. Winding up.—(1) Where an order of cancellation of the registration of a society is made by the Registrar under section 65, he may appoint any person to be the liquidator of the society and may remove such person and appoint another in his place.

(2) The liquidator appointed under sub-section (1) shall have power from the date of his appointment to take immediate possession of all assets, properties, effects and actionable claims of the society or to which the society is entitled and of all books, records, cash and other documents pertaining to the business of the society and, in the interests of the society, shall hold charge of the society notwithstanding the provisions of section 65, provided that no steps shall be taken for the winding up of the society during the pendency of any stay order.

(3) The liquidator shall, under the general control of the Registrar, have power, so far as is necessary for the winding up of the society, on behalf of the society to carry on the business thereof and to do all acts and execute all documents necessary to such winding up, and in particular shall exercise the following powers:—

- (a) to institute, compromise and defend suits and other legal proceedings on behalf of the society by his name of office;
- (b) to make any compromise or arrangement with any person between whom and the society there exists any dispute;
- (c) to determine the debts due to the society by a member, past member or the estate, nominees, heirs or legal representatives of a deceased member;
- (d) to determine from time to time the contribution to be made or remaining to be made by the members, past members or by the estates or nominees, heirs or legal representatives of deceased members or by any officers or former officers, to be assets of the society and to determine the debts due from such members or persons and the cost of liquidation;
- (e) to calculate the cost of liquidation and to determine by what persons and in what proportion they are to be borne;
- (f) to investigate all claims against the society and, subject to the provisions of this Act, to decide questions of priority arising between claimants;
- (g) to pay claims against the society including interest up to the date of cancellation of registration according to their respective priorities, if any, in full or rateably as the assets including the reserve fund of the society permit; the surplus, if any, remaining after payment of claims being applied in payment of interest from the date of such cancellation at a rate fixed by him but not exceeding the contract rate in any case;
- (h) to take steps to recover dues according to the provisions of section 83, if necessary; and
- (i) to dispose of the surplus, if any, remaining after paying the claims against the society in accordance with section 67 of this Act.

(4) Subject to the provisions of this Act and rules made thereunder, a liquidator appointed under this section shall, in so far as such powers are necessary for carrying out the purposes of this section, have power to summon and enforce the attendance of witnesses and to compel the production of any book, accounts, documents, securities, cash or other properties belonging to or in the custody of the society by the same means and so far as may be in the same manner as is provided in the case of a civil court under the code of Civil Procedure, 1908 (V of 1908).

(5) Notwithstanding anything contained in any law for the time being in force, if any landed property is held by a liquidator as such the title over the land shall be complete as soon as the mutation of the name of his office is effected and no court shall question the title on the ground of dispossession, want of possession or physical delivery of possession.

67. Distribution of fund of a dissolved society.—On dissolution of a society, the reserved fund and any undisbursed cash in hand shall be applied to discharging liabilities of the society and the repayment of the share capital. Any sum that may remain may be applied to such object of local and public utility as may be selected by the members of the dissolved society and approved by the Registrar. If, within three months of the notice published in the Manipur Gazette under section 68, notifying the closing of the liquidation proceedings of the society, the members fail to select an object as aforesaid, the Registrar shall, with the approval of Chief Commissioner of Manipur, apply the fund to such local public utility as may be determined by him or credit the remaining sum to the reserve fund of a society, to be formed to replace the dissolved society or if there be no such society to any other deserving society existing within the same area of operation and having objects similar to those of the dissolved society or if there be no such society to any other registered society in Manipur, as may be determined by the Registrar.

68. Liquidator to deposit the books and submit a final report.—When the affairs of a registered society have been wound up, the liquidator shall make a report to the Registrar, who when satisfied shall order the liquidation proceedings to be closed and direct the liquidator to deposit the records wheresoever the Registrar thinks fit, and the Registrar shall issue a notice in the Manipur Gazette, notifying the closing of the liquidation proceedings of the Society.

69. Bar of Suit.—Save in so far as is expressly provided in this Act, no Civil Court shall take cognizance of any matter connected with the winding up or dissolution of a society under this Act and when a liquidator has been appointed no suit or other legal proceedings shall lie or be proceeded with against him except by leave of the Registrar and subject to such terms as he may impose

CHAPTER XII

RECOVERY OF SUMS DUE AND ENFORCEMENT OF OBLIGATIONS

70. Power of Registrar to direct payment of dues.—Notwithstanding anything contained in Chapter X, the Registrar or such other person as may be authorised, in this behalf, may, on his own motion or on the written requisition of a registered society or an affiliating society for the recovery of any loan due by a defaulting member, after due enquiry, make an award directing payment by such member of the amount found to be due.

71. Charge and Surcharge.—(1) Where, as the result of an audit under section 55, or an enquiry under section 60 or an inspection under section 61 or a report made in the course of the winding up of a registered society, it appears to the Registrar that any member, officer or employee past or present, of the society has at any time within a period of four years prior to the date of such audit, inspection, inquiry or report, as the case may be—

- (a) intentionally, whether individually or as an assenting member of any Managing or other controlling body, made or authorized any payment or granted any loan which is contrary to the provision of this Act or to the rules or bye-laws or failed to take timely steps to recover any loan at the due date or if it was being improperly utilised; or
- (b) was grossly negligent in respect of any loss or deficiency; or
- (c) failed to bring into account any sum which ought to have been brought into account; or
- (d) misappropriated or fraudulently retained any property of the society; or
- (e) committed breach of trust in relation to the society; the Registrar may inquire into the conduct of such officer or member of the managing or other controlling body.

(2) The Registrar may similarly inquire into the conduct relating to the affairs of the society of any member, officer or employee, past or present, of a

registered society on the application of the present controlling or managing body of the society, or liquidator, or any creditor, or any other registered society to which the society is affiliated or any contributory.

(3) Upon such enquiry, after giving such member, officer or employee an opportunity of being heard and, in the case of a payment made contrary to the provisions of this Act or rule or bye-laws, after affording such member, officer or employee time to recover the amount of such payment from the payee and credit it to the funds of the society, the Registrar may by an order in writing require such member, officer or employee to pay such sum with interest at such rate as the Registrar may direct, to the society by way of compensation in respect of such payment or loss or to restore such property as the Registrar thinks fit, and to pay such sum as the Registrar may fix to meet the cost of the proceedings under this section.

(4) Any award made by the Registrar under sub-section (3) shall be reduced to the form of a Co-operative demand certificate, by the officer authorised to issue such certificates.

(5) This section shall apply notwithstanding that such member, officer or employee may be his act or omission have incurred in addition criminal liability under this Act or any other law for the time being in force.

(6) An appeal shall lie to the Chief Commissioner of Manipur against an order passed under sub-clause (1) (a) within thirty days of the communication of the order.

CHAPTER XIII

PENALTY

72. **Prohibition of the use of the word "Co-operative" or "Samabaya".**—(1) No person other than a society registered under this or any other Co-operative Societies Act shall trade or carry on business under any name or title of which the word "Co-operative" or its vernacular equivalent "Samabaya" is a part:

Provided that nothing in this section shall apply to the use by any person, or by his successor in interest of any name or title under which he lawfully traded or carried on business at the commencement of this Act.

(2) Whoever contravenes the provisions of this section shall be punishable with fine which may extend to fifty rupees, and in the case of a continuing offence with further fine of five rupees for each day on which the offence is continued after conviction therefor.

73. **Punishment for false return, false information, disobeying summons, orders, etc.**—(a) If a registered society or an officer or member thereof or any liquidator, wilfully makes a false return or furnishes false information or wilfully neglects or refuses to do any act required by this Act or the rules or bye-laws; or does anything contrary to this Act or the rules or bye-laws; or

(b) any person wilfully or without reasonable excuse disobeys any summons, requisition or lawfully written order issued under the provisions of this Act or does not produce documents, or cash balance of the society or furnish any information lawfully required from him by a person authorised in this behalf under the provisions of this Act or fails to maintain upto-date accounts, records, and other documents of the Society required to be maintained by him under this Act or the rules or bye-laws, he shall be punishable with fine which may extend to five hundred rupees: and in the case of a continuing offence a further fine of five rupees for each day on which the offence is continued after conviction therefor.

74. **Punishment for disposing property in contravention of section 46.**—Any member, past member, or the nominee, heir or legal representative of a deceased member removing or otherwise disposing of, or suffering to be removed or otherwise disposed of, any property on which a registered society holds a first charge under section 46 with intent to defraud the society or with such intent doing any other act to the prejudice of the society's first charge, shall be punishable with fine not exceeding five hundred rupees.

75. **Penalty for certain misdemeanours.**—Where it appears to the Registrar that any person has contravened the provisions of this Act, the rules or bye-laws—

(a) by sitting or voting or exercising his rights as a member, or as a member of any managing or controlling body, or voting in the

affairs of a registered society as a representative of another society which is a member of such society, when such person was not entitled so to sit, vote or exercise such rights; as the case may be, or

- (b) by utilising a loan for a purpose different from that for which it was granted, the Registrar may, after affording such person an opportunity to be heard, by an order in writing direct him to pay to the assets of the society by way of penalty such sum not exceeding fifty rupees as the Registrar thinks fit.

76. Power to enforce performance of obligations.—Notwithstanding anything contained in this Act, where any registered society is required to take any action under this Act, the rules or bye-laws and such action is not taken within the time provided in this Act, the rules or bye-laws or within such time as the Registrar may specify by a notice in writing, where no time is so provided, the Registrar may call upon any officer of the society whom he considers to be responsible for the carrying out the directions, and after giving such officer an opportunity, to be heard, may require him to pay to the assets of the society such sum not exceeding twenty-five rupees as the Registrar may think fit for each day until the Registrar's directions are carried out.

77. Cognizance of offences.—(1) No court inferior to that of a Magistrate of the second class shall try any offence under this Act.

(2) No prosecution for an offence under this Act shall be instituted without the previous sanction of the Registrar.

(3) Offences under this Act may be tried summarily.

CHAPTER XIV

JURISDICTION

78. Indemnity.—No suit, proceeding or prosecution whatever shall lie against the Registrar or any person acting on his authority, or against any liquidator in respect of anything done or purporting to be done in good faith under this Act.

79. Bar to jurisdiction of Courts.—(1) Save as provided in this Act, no Civil or Revenue Court shall have any jurisdiction in respect of—

- (a) registration of a registered society or its bye-laws or amendments of bye-laws; or
- (b) the dissolution of a managing or controlling body and the management of the affairs of the society on dissolution thereof; or
- (c) any dispute referred to the Registrar; or
- (d) any matter in relation to the winding up and dissolution of a registered society.

(2) Save as provided in this Act, no order, decision or award under this Act, or working of the affairs of a registered society shall be liable to be challenged, set aside, modified, revised or declared void in any court on any ground whatsoever except on grounds of jurisdiction.

80. Appeal or review.—(1) Except where otherwise expressly provided to the contrary an appeal shall lie to the Registrar from the decisions made under this Act or rules framed thereunder by any Government Officer, liquidator or non-official helper appointed under sub-section (3) of section 3.

(2) The Registrar may review any order passed by him at any time within two months from the communication of such order.

(3) Save as provided in this Act or rules, no appeal shall lie to the Chief Commissioner of Manipur against any order, of the Registrar, except on a question of law, and provided such appeal is preferred within two months of the communication of such order.

(4) Any appellate authority and the Registrar in case of review may pass any stay order pending any appeal or review before such an authority, and may award costs against any party appealing or petitioning for review if such appeal or review petition is considered false, vexatious or frivolous by the authority concerned.

81. Power of attachment of property.—Where the Registrar or such gazetted officer as may have powers delegated to him under section 83 is satisfied that any person holding property within his jurisdiction with intent to defeat or delay the execution of any order under a Co-operative demand certificate for recovery of dues, or with intent to avoid payment of dues from such person under this Act, rules or bye-laws—

- (a) is about to dispose of the whole or any part of such property; or
- (b) is about to remove the whole or any part of such property from the local limits of the jurisdiction of the Registrar or of such gazetted officer may, unless adequate security is furnished, as he may require, direct the conditional attachment of the said property or such part thereof as he thinks necessary, notwithstanding that the claimant or owner of the property may reside elsewhere, and such attachment shall have the same force and effect as if it had been made by a competent Civil Court and shall continue in force until withdrawn or cancelled.

82. Registrar to be Civil Court for certain purposes.—The Registrar or any person empowered by him in this behalf shall be deemed, when exercising any powers under this Act for the recovery of any amount by attachment and sale or by the sale without attachment of any property, or when passing any orders on any application made to him for such recovery or to take any step-in-aid of such recovery, to be a Civil Court for the purpose of Article 182 of the First Schedule to the Indian Limitation Act, 1908 (IX of 1908).

83. Recovery of sums due.—(1) All dues recoverable under this Act or Rules framed thereunder shall be reduced to the form of a Co-operative demand certificate, as in Schedule A, over the signature of the Registrar or of such gazetted officers as may have powers delegated to them by the Registrar in this behalf and shall be recovered as an arrears of land revenue and shall be paid to the certificate holder or his authorised nominee. Such certificate shall be in the name of the claimant and shall be delivered to him.

(3) For the purpose of this section a member of an affiliated society shall be deemed to be a member of the affiliating society and loans due to the affiliated society shall be deemed also to be loans due to the affiliating society to the extent that loans from the affiliating society to the affiliated society are outstanding and cannot be recovered from the affiliated society directly, provided that not more than one demand certificate may be executed against a single loan.

84. Registrar may order a meeting of creditors.—(1) Notwithstanding anything contained in this Act, where a compromise or arrangement is proposed between a registered society and its creditor or creditors or any class of them the Registrar, upon an application made by a registered society or by liquidator in case of a society in respect of which an order has been passed for the winding up thereof, or by a creditor or creditors or any class of creditors, may order a meeting of the creditors.

(2) If a majority in number of creditors or the class of creditors as the case may be, representing claims to three-fourths of the debts due by the society to the creditors or class of creditors, at a meeting agree to any compromise or arrangement and if the Registrar agrees to such compromise or arrangement and gives his sanction then the compromise or the arrangement shall be binding on all the creditors or class of creditors and also on the society or on the liquidator in the case of a society in respect of which an order has been passed for the winding up thereof, and on all persons who may be required by the liquidator to contribute to the assets of the society.

CHAPTER XV

MISCELLANEOUS

85. Society to be a body corporate.—Every registered society shall be deemed to be a body corporate by the name under which it is registered, with perpetual succession and a common seal, and with power to hold property, to enter into contracts, to institute and defend suits and other legal proceedings and to do all things necessary for the purposes for which it was constituted.

86. **Register of members.**—Any register or list of members or shares kept by any registered society shall be *prima facie* evidence of any of the following particulars entered therein—

- (a) the date on which the name of any person was entered in such register or list as a member; and
- (b) the date on which any such member ceased to be a member.

87. **Entries in books of registered society shall be received as prima facie evidence.**—(1) A copy of any entry in a book of registered society, regularly kept in the course of business shall, if certified by the Chairman or Secretary of the society, be received in any suit or legal proceeding as *prima facie* evidence of the existence of such entry, and shall be admitted as evidence of the matters, transactions and accounts therein recorded in every case where, and to the same extent as the original entry itself is admissible.

(2) No officer or liquidator of a registered society and no officer in whose office the books of a registered society are deposited after liquidation shall in any legal proceedings to which the society or the liquidator is not a party, be compelled to produce any of the society's books the contents of which can be proved under sub-section (1) or to appear as a witness to prove the matters, transactions and accounts therein recorded, unless specially so directed by an order of the Court or the arbitrator.

88. **Savings of existing societies.**—(1) Every society existing at the commencement of this Act which has been registered or deemed to have been registered under the Manipur Co-operative Societies Act, 1947, shall be deemed to be registered under this Act; and its bye-laws shall, in so far as they are not inconsistent with the provisions of this Act continue in force until altered or rescinded and shall to such extent be deemed to be registered under this Act.

(2) All appointments, rules and orders made, notifications and notices issued, all transactions entered into and all suits and other proceedings instituted under the said Act shall continue and shall, so far as may be, be deemed to have been respectively made, issued, entered into or instituted under this Act.

89. **Construction of references to Act, II of 1912.**—All reference to the Co-operative Societies Act, 1912, or the Manipur Co-operative Societies Act, 1947 occurring in any enactment made by any authority in India and for the time being in force in Manipur shall, in the application of any such enactment thereto, be construed as references to this Act; and anything done, or any proceeding commenced in pursuance of such enactment on or after the commencement of this Act shall be deemed to have been done or to have commenced and to have had effect as if the reference in such enactment to the Co-operative Societies Act, 1912, or the Manipur Co-operative Societies Act, 1947 had been a reference to this Act, and no such thing or proceeding shall be deemed to have been invalid on the ground that such enactment did not refer to this Act.

90. **Act 1 of 1956 not to apply.**—The provisions of the Companies Act, 1956 shall not apply to registered societies.

91. **Acts of Societies, etc., not to be invalidated by certain defects.**—(1) No act of a registered society or of a managing or controlling body or of any officer or liquidator done in good faith in pursuance of the business of the society shall be deemed to be invalid by reason only of some defect subsequently discovered in the organisation of the society or in the constitution of any such body or in the appointment or election of the officer or liquidator or on the ground that such officer or liquidator was disqualified from appointment.

(2) No act done in good faith by any person appointed under this Act shall be invalid merely by reason of the fact that his appointment has been cancelled or in consequence of any order subsequently passed under this Act.

(3) The Registrar shall decide whether any act was done in good faith in pursuance of the business of a society.

92. **Power to exempt societies from provisions of the Act.**—The Chief Commissioner of Manipur may, by general or special order, exempt any registered society, or class of registered societies from any of the provisions of this Act or may direct that such provisions shall apply to such society with such modifications as may be specified in the order.

93. Rules and bye-laws not to be deemed to go beyond the Act.—Rules framed under this Act and bye-laws registered under this Act shall not be deemed to go beyond the provisions of this Act if their effect is not to lessen the degree of control expressly provided for in the Act.

94. Power to exempt societies from conditions as to registration.—Notwithstanding anything contained in this Act, the Chief Commissioner of Manipur may by special order and subject to such conditions, if any, as he may impose, exempt any society from any of the requirements of this Act as to registration.

95. Power to order recoupment of expenditure.—Notwithstanding anything contained in any law for the time being in force the Chief Commissioner of Manipur may, by a general or special order, require of every registered society or a class of registered societies to make contribution of such sum annually to be fixed by the Registrar towards of the recoupment of administrative expenditure incurred by the Government in respect of inspection, supervision and guidance of a society or class of societies or of any service to such society or class of societies.

96. Power to seize records of society.—(1) If the Registrar or any person authorised by him in this behalf while making audit, inspection, inquiry or supervision as the case may be, believes or has reason to believe that the registered society is not keeping or maintaining the accounts, books and records of the society properly or finds or reasonably suspects gross negligence of duties, misappropriation or misuse of funds of the society, irregularity in recording proceedings or keeping accounts or books he shall have power to take possession of any or all books, registers or documents, cash in hand or account books of the society and remove such seized property or keep in proper custody such seized property till it is disposed of in any manner as may be directed by the Registrar.

(2) The person seizing the property of the society under sub-section (1) shall prepare an inventory of the properties seized in duplicate with his signature and require the officer or member of the society from whose possession or custody the property is seized to put his signature in witness thereof and, if such officer or member refuses to sign, then the person seizing the property shall call upon two or more persons to sign the seizure list. A copy of the list prepared under this section, signed by the witnesses, shall be delivered to the officer of the society.

(3) The Registrar shall take immediate steps in way of audit or inspection and pass such orders as he may think fit.

(4) The administrative head of a civil sub-division or administrative area shall give police help to all officers mentioned in sub-section (1) of this section when sought for.

97. Power of the Managing body of an affiliating society to enquire into the affairs of a member society.—When a registered society takes a loan from an affiliating society and defaults payment of the debt or any instalment thereof, any member of the managing body of the affiliating society, may examine and look into the accounts and working of such borrowing society and report the result of his enquiry or examination particularly with reference to the said loan to the affiliating society and may recommend any suggestion in his report. The borrowing society shall furnish such information and produce such documents, books and accounts as the member of the managing body may require.

98. Limitation.—(1) Notwithstanding any of the provisions of the Indian Limitation Act, 1908, the period of limitation for the institution of a claim to recover any sum, including the interest thereon, due to a registered society by a member thereof shall be computed from the date on which such member dies or ceases to be a member of a society.

(2) The Indian Limitation Act, 1908 (IX of 1908), shall not apply to any debts or liability due by any member, past member or deceased member to any society in respect of which an order of dissolution has been passed under this Act.

100. Power to make rules.—The Chief Commissioner of Manipur may, after previous publication, make rules to carry out the purpose and objects of this

Act, and such rules may provide a penalty not exceeding fifty rupees for a breach thereof.

SCHEDULE A

[See Section 83.]

Co-operative demand certificate granted under section 83(1) of the Assam Co-operative Societies Act, 1949 (Act I of 1950), as extended to Manipur.

(To be realised as an arrear of land revenue by the Revenue authority within whose jurisdiction the judgement debtor's property is situated).

CASE No. _____ of 19 _____
DISTRICT/SUB-DIVISION.

In the matter of _____

Versus _____

Whereas _____ has made a reference in writing to me complaining/determining as a result of my personal inspection I decide, that a sum of Rs. _____ (Rupees _____) by way of _____ under section _____ of the Assam Co-operative Societies Act, 1949 (Act I of 1950) as extended to Manipur and a sum of Rs. _____ (Rupees _____) by way of interest is/are due from you and you have evaded payment of the same and whereas a notice of demand calling on you to pay the dues within the specified time was served with notice to show cause;

And whereas you have not paid up your dues specified in the notice;

And whereas you have not submitted explanation/your explanation is unsatisfactory;

Now, therefore, I, under authority of sub-section (1) of section 83 of the Assam Co-operative Societies Act, 1949 (Assam Act I of 1950) as extended to Manipur do hereby order that the above mentioned sum of Rs. _____ is due to the above named from you and that you will pay further interest on the principal sum at the rate of _____ per cent. per annum from _____ together with all cost till the date of realisation.

I further order that right, title and interest of _____ in the properties set out and described in the Schedule below be sold as an arrear of land revenue under the provisions of the Assam Land and Revenue Regulation, 1886 (Regulation I of 1886), as extended to Manipur and that, if the sale proceeds should be found insufficient to discharge the dues with subsequent interest at the above rate till the date of realisation and costs in full, the balance be realised by attachment and sale of other movable and immovable property of the judgment debtor as an arrear of land revenue.

SCHEDULE

Registrar

Co-operative Societies, Manipur.

The..... officer empowered under
Section 83(1) of Assam Co-operative
Societies Act, 1949 as extended to
Manipur.

* * * * *

[No. F.9/11/58-Judl.II(i)UTL3.]

G.S.R. 465.—In exercise of the powers conferred by section 2 of the Union Territories (Laws) Act, 1950 (30 of 1950) the Central Government hereby extends with effect on and from the 1st May, 1959, to the Union Territory of Tripura the Bombay Co-operative Societies Act, 1925 (Bombay Act No. VII of 1925), as at

present in force in the State of Bombay, subject to the following modifications namely:—

Modifications

1. Throughout the Act, unless otherwise directed by this notification,—
 - (a) for the words "State Government", the words "Chief Commissioner of Tripura" shall be substituted;
 - (b) for the word "Bombay" except in the long title, preamble and short title, the word "Tripura" shall be substituted;
 - (c) for the word "Presidency" or "State" (except where it occurs in the expression 'State Government' or in the long title and preamble), the words "Union Territory" shall be substituted;
 - (d) for the word "taluka", the word "sub-division" shall be substituted;
 - (e) for the words "Official Gazette", the words "Tripura Gazette" shall be substituted.
2. For section 2, the following section shall be substituted, namely:—

"2. Extent. This Act extends to the whole of the Union territory of Tripura".
3. For clause (b2) of section 3, the following clause shall be substituted, namely:—

"(b2) "Company" means a company as defined in section 3 of the Companies Act, 1956, and includes a banking company;"
4. Sub-section (3) of section 7 shall be omitted.
5. In section 24 AA—
 - (a) the words, brackets and figures "before the date of the coming into force of the Bombay Cooperative Societies (Amendment) Act, 1948" in clause (ii) shall be omitted;
 - (b) the words, brackets and figures "before the date of the coming into force of the Bombay Tenancy and Agricultural Lands (Amendment) Act, 1955", in clause (iia) shall be omitted;
 - (c) the second proviso to clause (iv) shall be omitted;
 - (d) the words and figures "and to the charge, if any, created under an award made under the Bombay Agricultural Debtors Relief Act, 1947" in clause (vi) shall be omitted;
 - (e) for clause (vii), the following clause shall be substituted, namely:—

"(vii) The record of rights maintained under the Settlement and Survey Rules for the time being in force in Tripura shall also include the particulars of every charge on land or interest created under a declaration under clause (i), (ii) or (iia)."
6. In section 24-A, sub-section (3) shall be omitted.
7. In section 26, for the words and figures "and neither the official Assignee under the Presidency towns Insolvency Act, 1909, nor a Receiver under the Provincial Insolvency Act, 1920, shall be entitled to or have", the words and figures "and no Receiver under the Provincial Insolvency Act, 1920, shall be entitled to or have" shall be substituted.
8. In section 33, in sub-section (2), for the words "The Government", the words "The Central Government or, in such cases as it may direct, the Chief Commissioner of Tripura" shall be substituted and the paragraph beginning with the words "In this sub-section" and ending with "means the State Government" shall be omitted.
9. In section 33A for the words "State Government" where they occur for the first time, the words "Central Government" shall be substituted
10. In sub-section (2) of section 39, the words "provincial or" shall be omitted.
11. Section 39A shall be omitted.
12. In section 40,—
 - (i) the words "and contribution, if any, to the educational fund of the Bombay State Co-operative Institute" shall be omitted,
 - (ii) for the words "State Government" where they occur for the first time the words "Central Government" shall be substituted.

13. In section 42, the words "With the approval of the Bombay Central Co-operative Institute and" and "and section 39A" shall be omitted.

14. In section 46B, for the word "Commissioner" wherever it occurs the word "Chief Commissioner of Tripura" shall be substituted.

15. In section 52, the following clause, namely—

"(c) the Bombay Central Co-operative Institute" shall be omitted.

16. In section 53, for the words "In three persons of whom one shall be nominated by the Registrar, one shall be nominated by the said society in a general meeting specifically called for the purpose and one shall be nominated by the Bombay Central Co-operative Institute" occurring after the words "subject to all rights and equities", the words "in two persons, of whom one shall be nominated by the Registrar, and the other shall be nominated by the said society in a general meeting, specifically called for the purpose" shall be substituted.

17. In section 56, the proviso shall be omitted.

18. In section 59B, sub-section (3) and the Explanation shall be omitted.

19. In section 63, the words "a Presidency Magistrate or" wherever they occur shall be omitted.

20. In section 64 sub-section (1), the words figures and letter "to the commissioner, in case of an order made under Section 50A and in any other case," shall be omitted.

21. In clause (e) of section 64 C, the words and figures "an occupant as defined in the Bombay Land Revenue Code, 1879" shall be omitted.

22. In section 64R, sub-section (2) shall be omitted.

23. In section 68, for the words and figures "Indian Companies Act of 1913" the words and figures "Companies Act, 1956" shall be substituted.

24. In section 69, for the words "Pre-Reorganization State of Bombay excluding the transferred territories", wherever they occur, the words "Union territory of Tripura" shall be substituted.

25. In section 71,

(a) in sub-section (2), clause (na) shall be omitted;

(b) sub-section (5) shall be omitted.

26. In Sub-section (1) of section 72, for the words and figures "Co-operative Credit Societies Act 1904 or under the Co-operative Societies Act, 1912" the words, figures and letters "Tripura State Co-operative Societies Act, 1358 T.E." shall be substituted.

27. In section 72-A, for the words and figures "Co-operative Societies Act 1912" the words, figures and letters "Tripura State Co-operative Societies Act, 1358 T.E." shall be substituted.

28. Section 72 B, 73 and the Schedule shall be omitted.

ANNEXURE

The Bombay Co-operative Societies Act, 1925, as extended to the Union territory of Tripura

BOMBAY ACT NO. VII OF 1925

(The Bombay Co-operative Societies Act, 1925)

An act to consolidate and amend the law relating to Co-operative Societies in the Presidency of Bombay.

Whereas it is expedient further to facilitate the formation and working of co-operative societies for the promotion of thrift, self-help and mutual aid among agriculturists and other persons with common economic needs so as to bring about better living, better business and better methods of production and for that purpose to consolidate and amend the law relating to co-operative societies in the Presidency of Bombay; and whereas the previous sanction of the Governor-General

required by sub-section (3) of section 80-A of the Government of India Act has been obtained for the passing of this Act (5 & 6 Geo. V c. 61). It is hereby enacted as follows:—

CHAPTER I

PRELIMINARY

1 Short title.—This Act may be called the Bombay Co-operative Societies Act, 1925.

2. Extent.—This Act extends to the whole of the Union territory of Tripura.

3. Definitions.—In this Act, unless there is anything repugnant in the subject or context,

- (a) "by laws" means by-laws registered under this Act and for the time being in force and includes a registered amendment of such by-laws;
- (b) "Committee" means the Committee of Management or other directing body to whom the management of the affairs of a society is entrusted;
- (b1) "banking company" means a banking company as defined in clause (b) of Section 5 of the Banking Companies Act, 1949 (X of 1949);
- (b2) "Company" means a company as defined in section 3 of the Companies Act, 1956 and includes a banking company;
- (b3) "firm" means a firm registered under section 59 of the Indian Partnership Act, 1932 (IX of 1932);
- (c) "Member" includes a person joining in the application for the registration of a society or a person admitted to membership after registration in accordance with this Act or the rules and by-laws applicable to such society;
- (d) "Officer" includes a chairman, secretary, treasurer, member of committee or other person empowered under the rules or under the by-laws of a society to give directions in regard to the business of such society;
- (e) "Society" means a society registered or deemed to be registered under this Act;
- (f) "Registrar" means a person appointed to perform the duties of a Registrar of Co-operative Societies under this Act;
- (g) "Rules" means rules made under this Act;
- (h) (1) a "Resource Society" means a society formed with the object of obtaining for its members the credit, goods or services required by them;
- (2) a "Producers' Society" means a society formed with the object of producing and disposing of goods as the collective property of its members and includes a society formed with the object of the collective disposal of the labour of the members of such society;
- (3) a "consumers' society" means a society formed with the object of obtaining and distributing goods to or of performing services for its members, as well as to other consumers and of dividing among its members and customers in a proportion prescribed by the rules or by the by-laws of such society, the profits accruing from such supply and distribution;
- (4) a "Housing society" means a society formed with the object of providing its members with dwelling houses on conditions to be determined by its by-laws;
- (5) a "General society" means a society not falling under any of the classes of societies defined in any other clauses of this section;
- (6) a "Federal society" means a society not less than three-fourth of the members of which are societies;
- (7) a "Farming society" means a society formed with the object of promoting development of land and better methods of cultivation by means of improved seed, manure, irrigation, bunding, tractor ploughing, gully plugging and soil conservation.

Explanation.—A Farming society shall be of two classes:—(1) a Better farming society, and (2) a Co-operative farming society:—

- (i) A Farming society shall be classed as a Better farming society if the predominant object is the application of improved methods of cultivation. A Better farming society includes a Crop protection society;
- (ii) A farming society shall be classed as a Co-operative farming society if the predominant object is the application of co-operative methods by the holders of lands and in respect of cultivation.

The Registrar shall classify all societies under one or other of the above heads and his decision shall be final:

Provided that the Registrar for reasons to be recorded in writing may alter the classification of any society from one head to another head or from one sub-head to another sub-head.

A society formed with the object of facilitating the operations of any one of the above classes of societies shall be classified as a society of that class,

A list of all such societies, so classified shall be published triennially in such manner as the Chief Commissioner of Tripura may from time to time direct

- (i) "Tribunal" means the Tripura Co-operative Tribunal constituted under section 63A.

CHAPTER II

REGISTRATION

4. Registrar.—The Chief Commissioner of Tripura may appoint a person to be Registrar of the Co-operative Societies for the Union territory or any portion of it, and may appoint a person or persons to assist such Registrar, and may, by general or special order, confer on any such person or persons all or any of the powers of a Registrar under this Act.

5. Societies which may be registered.—Subject to the provisions hereinafter contained a society which has as its object the promotion of the economic interests of its members in accordance with co-operative principles or a society established with the object of facilitating the operations of such a society may be registered under this Act with or without limited liability:

Provided that—

- (1) unless the Chief Commissioner of Tripura by general or special order otherwise directs the liability of a society of which a member is a society shall be limited,
- (2) the members of a society which has been registered under this Act with unlimited liability such liability not having been changed from unlimited to limited under this Act shall, on its liquidation, be jointly and severally liable for and in respect of all its obligations.

6 Restrictions on interest of member's of society with limited liability and a share capital.—Where the liability of the members of a society is limited by shares, no member other than a society, company or firm shall—

- (a) hold more than such portion of the share capital of the society, subject to a maximum of one-fifth, as may be prescribed by the rules, or
- (b) have or claim any interest in the shares of the society exceeding ten thousand rupees: provided that if the society is a housing society a member may have or claim an interest in the shares of the society not exceeding twenty thousand rupees.

6A Person who cannot be member.—No person shall be admitted as a member of a society, unless he is a person competent to contract under section 11 of the Indian Contract Act, 1872 (IX of 1872).

7. Conditions of registration.—(1) No society, other than a society of which a member is a society, company or firm, shall be registered under this Act, which does not consist of at least ten persons who are qualified to be the members under section 6A and, where the object of the society is the creation of funds to be lent to its member, unless all persons forming the society—

- (a) reside in the same town or village or in the same group of villages; or

(b) save where the Registrar otherwise directs, are members of the same tribe, class or occupation and no person shall be admitted to the membership of any such society after its registration unless such person fulfills the requirements of clause (a) or (b), as the case may be.

(2) The word "limited" shall be the last word in the name of every society with limited liability registered under this Act

* * * * *

8. Power of Registrar to decide certain questions.—When any question arises whether for the purpose of the formation, or registration or continuance of a society or the admission of a person as a member of a society under this Act a person is an agriculturist or a non-agriculturist, or whether any person is a resident in a town or village or group of villages, or whether two or more villages shall be considered to form a group, or whether any person belongs to any particular tribe, class or occupation, the question shall be decided by the Registrar, whose decision shall be final.

9. Application for registration.—(1) For purposes of registration an application to register shall be made to the Registrar.

(2) The application shall be signed,—

(a) in the case of a society of which no member is a society, company or firm, by at least ten persons qualified in accordance with the requirements of section 7, sub-section (1); and

(b) in the case of a society of which a member is a society, company or firm, by a duly authorised person of every such society or company and by one of the partners of every such firm and where all the members of the society are not societies, companies or firms, by ten other members or, when there are less than ten other members, by all of them.

(3) The application shall be accompanied by a copy of the proposed by-laws of the society, and the persons by whom or on whose behalf such application is made shall furnish such information in regard to the society as the Registrar may require.

10. Registration.—If the Registrar is satisfied that a society has complied with the provisions of this Act and the rules and that its proposed by-laws are not contrary to this Act or to the rules, he may register the society and its by-laws.

11. Evidence of registration.—A certificate of registration signed by the Registrar shall be conclusive evidence that the society therein mentioned is duly registered unless it is proved that the registration of the society has been cancelled.

12. Annual general meeting.—(1) Every society shall within a period of three months after the date fixed for making up its accounts for the year under the rules for the time being in force call a general meeting of its members:

Provided that the Registrar may, by general or special order, extend the period for holding such meeting by a period not exceeding three months.

(2) If default is made in calling a general meeting within the period or the extended period, as the case may be, as prescribed under sub-section (1), the Registrar may by order declare any officer or member of the Committee whose duty it was to call such meeting and who without reasonable excuse failed to call such meeting, disqualified for being elected as and for being an officer or a member of the Committee for such period not exceeding three years as may be specified in such order and if the officer is a servant of the society fine him to an amount not exceeding one hundred rupees.

(3) Any fine imposed under sub-section (2) may be recovered in the manner provided by the Code of Criminal Procedure, 1898 (V of 1893) for the recovery of fines, imposed by a Court as if such fine were imposed by a Court.

13. Special general meetings.—A special general meeting may be called at any time by a majority of the committee and shall be called within one month—

(1) on the requisition in writing of one-fifth of the members of the society, or

(2) at the instance of the Registrar, or

(3) in case of a society which is a member of a federal society, at the instance of an officer of such federal society.

14. Change of name, its effect.—A society may, by a resolution of a general meeting and with the approval of the Registrar, change its name: but such change shall not affect any right or obligation of the society, or of any of its members, or past members and any legal proceedings pending may be continued by or against the society under its new name.

15. Amalgamation or transfer of societies.—(1) Any two or more societies may, with the approval of the Registrar by resolution passed by a three-fourths majority of the members present at a special general meeting of each such society held for the purpose, amalgamate as a single society; provided that each member has had clear fifteen days' written notice of the resolution and the date of the meeting. Such an amalgamation may be effected without a dissolution, or a division of the funds, of the amalgamating societies. The resolution of the societies concerned shall on such amalgamation be a sufficient conveyance to vest the assets and liabilities of the amalgamating societies in the amalgamated society.

(2) Any society may by a resolution passed in accordance with the procedure laid down in sub-section (1) transfer its assets and liabilities to any other society which is prepared to accept them:

Provided that when any such amalgamation or transfer of assets and liabilities involves the transfer of its liabilities by any society to any other society, it will not be made without giving three months' notice to the creditors of both or all such societies:

Provided further that if a creditor or creditors of any of the societies concerned objects or object to such amalgamation or transfer of assets and liabilities and gives or give written notice to that effect to the society or societies concerned one month before the date fixed for such amalgamation or transfer, the amalgamation or transfer shall not be made until the dues of such creditor or creditors have been satisfied.

15A. Division or conversion of societies.—(1) Any society may, with the approval of the Registrar, by a resolution passed by a three-fourths majority of the members present and voting at a special general meeting of the society held for the purpose, resolve to divide itself into two or more societies or to convert itself into a class of society the objects of which are materially different from that under which it has been classified under the Act, provided that each member has had fifteen clear days written notice of the resolution and the date of the meeting. The resolution (hereinafter in this section referred to as a preliminary resolution) shall contain proposals for the division of the assets and liabilities of the society among the new societies in which it is proposed to divide it and may prescribe the area of operation of, and specify the members who will constitute, each of the new societies or proposals containing detailed information in respect of the conversion of the society as aforesaid, as the case may be.

(2) A copy of the preliminary resolution shall be sent or delivered to all the members and creditors of the society. A notice of the resolution shall also be given in the prescribed manner to all other persons whose interests will be affected by the division or conversion of the society.

(3) Any member of the society may, notwithstanding any by-law to the contrary, by notice given to the society within a period of three months from his receipt of the resolution, intimate his intention not to become a member of any of the new societies or to continue his membership in the Converted Society, as the case may be.

(4) Any creditor of the society may, notwithstanding any agreement to the contrary by notice given to the society within the said period, intimate his intention to demand a return of the amount due to him.

(5) Any other person whose interests will be affected by the division or conversion may by notice given to the society object to the division or conversion unless his claim is satisfied.

(6) After the expiry of three months from the date of despatch or delivery of a copy of the preliminary resolution to all the members and creditors of the society and of the notice to other persons given under sub-section (2), another special general meeting of the society, of which at least fifteen clear days notice shall be given to its members, shall be convened for considering the preliminary resolution. If at such meeting the preliminary resolution is confirmed by a

resolution passed by a majority of not less than two-thirds of the members present, and voting either without changes or with such changes as in the opinion of the Registrar are not material, he may, subject to the provisions of sub-section (9) and sections 10 and 16, register the new societies or the converting society and the by-laws of the new societies or the by-laws, or the amendment of the by-laws, of the converting society, as the case may be, on such registration, the registration of the old society shall be deemed to have been cancelled and the society shall be deemed to be dissolved from the date of such cancellation.

(7) The opinion of the Registrar as to whether the changes made in the preliminary resolution are or are not material shall be final and no appeal shall lie therefrom.

(8) At the special general meeting referred to in sub-section (6) provision shall be made by another resolution for—

- (i) repayment of the share capital of all the members who have given notice under sub-section (3);
- (ii) satisfaction of the claims of all the creditors who have given notice under sub-section (4);
- (iii) satisfaction of the claims of such of the other persons who have given notice under sub-section (5) as the Registrar decides or securing their claims in such manner as the Registrar directs:

Provided that no member or creditor or other person shall be entitled to such repayment or satisfaction until the preliminary resolution is confirmed as provided in sub-section (6).

(9) If within such time as the Registrar considers reasonable, the share capital of the members referred to in sub-section (8) is not repaid or the claims of the creditors referred to in that sub-section are not satisfied, or the claims of the other persons are not satisfied or secured as provided in clause (iii) of sub-section (8), the Registrar may refuse to register the new societies or the converting society as the case may be.

(10) Notwithstanding anything contained in the Transfer of Property Act, 1882 (IV of 1882), or the Indian Registration Act, 1908 (XVI of 1908) the registration of the new societies or the converted society shall be a sufficient conveyance to vest the assets and liabilities of the original society in the new societies or the converted society, as the case may be, in the manner specified in the preliminary resolution as confirmed under sub-section (6).

15AA. Power of Chief Commissioner of Tripura to provide for amalgamation of co-operative societies in public interest.—(1) Where the Chief Commissioner of Tripura is satisfied that it is essential in the public interest, or necessary in order to secure the proper management of any society, that two or more societies should amalgamate, then notwithstanding anything contained in section 15 but subject to the provisions of this section, the Chief Commissioner of Tripura may, by order notified in the Tripura Gazette, provide for the amalgamation of those societies into a single society with such constitution, property, rights, interests and authorities, and such liabilities, duties and obligations, as may be specified in the order.

(2) The order aforesaid may contain such consequential, incidental and supplemental provisions as may in the opinion of the Chief Commissioner of Tripura be necessary to give effect to the amalgamation.

(3) Every member or creditor of each of the societies before amalgamation shall have as nearly as may be the same interest in or rights against the society resulting from the amalgamation as he had in the society of which he was originally a member or creditor, and to the extent to which the interest or rights of such member or creditor in or against the society resulting from the amalgamation are less than his interest in or rights against the original society, he shall be entitled to compensation which shall be assessed by such authority and in such manner as may be prescribed. Such compensation shall be paid to the member or creditor concerned by the society resulting from the amalgamation.

(4) No order shall be made under this section unless,—

- (a) a copy of the proposed order has been sent in draft to each of the societies concerned;

- (b) the Chief Commissioner of Tripura has considered and made such modifications in the draft order as may seem to him desirable in the light of any suggestions and objections which may be received by him within such period (not being less than two months from the date on which the copy of the order as aforesaid was received by the society) as the Chief Commissioner of Tripura may fix in that behalf, either from the society or from any member or class of members thereof or from any creditor or class of creditors.

15B. Partnership of societies.—(1) Any two or more societies may, with the approval of the Registrar, by a resolution passed by three-fourths majority of the members present and voting at a general meeting of each such society, enter into a contract of partnership for carrying out specific business or businesses, provided that each member has had clear ten days' written notice of the resolution and the date of the meeting.

(2) Nothing in the India Partnership Act, 1932 (IX of 1932) shall apply to such contracts of partnership.

16. Amendment of the by-laws of a society.—(1) No amendment of the by-laws of a society shall be valid until approved by the resolution of a general meeting and registered under this Act for which purpose a copy of the amendment shall be forwarded to the Registrar.

(2) If the Registrar is satisfied that any amendment of the by-laws is not contrary to this Act or to the rules, he may register the amendment.

(3) When the Registrar registers an amendment of the by-laws of a society, he shall issue to the society a copy of the amendment certified by him, which shall be conclusive evidence that the same is duly registered.

16A. Change of liability of society from limited to unlimited or from unlimited to limited.—(1) A society may, subject to the provisions of section 16, by an amendment of its by-laws, change its liability from limited to unlimited or unlimited to limited.

(2) No such amendment shall be registered by the Registrar unless he is satisfied—

- (i) that sufficient notice has been given to every member of the society and to any person or class of persons whose interest will, in the opinion of the Registrar, be affected by the alternation, and
- (ii) that with respect to every such member or person who, in the opinion of the Registrar, is entitled to object,—
 - (a) either his assent has been obtained to the change,
 - (b) or if he signifies his objection—
 - (i) he is allowed to withdraw his share if he is a member, or
 - (ii) his debt or claim has been discharged or has determined or has been secured to the satisfaction of the Registrar within three months from the date of the notice:

Provided that the Registrar may, in the case of any person or class of persons for special reasons, dispense with the notice required by this sub-section.

CHAPTER III

RIGHTS AND LIABILITIES OF MEMBERS

17. No rights of membership to be exercised till due payments are made.—No person shall exercise the rights of a member of a society unless or until he has made such payment to the society in respect of membership, or acquired such interest in the society as may be prescribed by the rules or the by-laws of such society.

17A. Inheritance or acquisition of rights of member by minor or person of unsound mind.—(1) Nothing in section 6A shall prevent a minor or a person of unsound mind from inheriting or otherwise acquiring the rights of a member but his liability in consequence of such acquisition shall be limited to his interest in the shares of the society and the unpaid dividends as also the loan stock bonds, if any, and the interest earned on them, which is unpaid.

(2) The person under any such disability as is referred to in sub-section (1) shall, on his disability ceasing, furnish the society a declaration of his willingness to become a member. On receipt of such declaration the society, notwithstanding anything contained in section 27, may, and if it is a co-operative housing society, such society shall admit him as a member if he is not otherwise disqualified. The person so admitted shall become entitled to all the rights and privileges of a member and become subject to liabilities like any other member of the society.

18. Votes of members.—(1) No member of any society shall have more than one vote in its affairs, provided that in the case of an equality of votes the Chairman shall have a casting vote.

(1A) Where a share of a society is held jointly by more than one person, only the person whose name stands first in the share certificate shall have the right to vote.

(2) A society which has invested any part of its funds in the shares of another society, may appoint one of its members to vote in the affairs of such other registered society.

(3) A company, which has invested any part of its funds in the shares of a society may appoint any one of its directors or officers to vote on its behalf in the affairs of such society.

(4) Where a firm has invested any part of its funds in the shares of a society, one of its partners shall be entitled to vote in the affairs of the society in the firm's name.

19. Restrictions on transfer of share or interest.—(1) The transfer or charge of the share or interest of a member in the capital of a society shall be subject to such conditions as to maximum holding as may be prescribed by this Act or by the rules.

(2) A member shall not transfer any share held by him or his interest in the capital or property of any society or any part thereof unless

- (a) he has held such share or interest for not less than one year;
- (b) the transfer or charge is made to the society or to a member of the society or to a person whose application for membership has been accepted by the society; and
- (c) the committee has approved such transfer.

CHAPTER IV

DUTIES OF SOCIETIES

20. Address of societies.—Every society shall have an address registered in accordance with the rules, to which all notices and communications may be sent and shall send notice in writing to the Registrar of any change in the said address within 30 days of such change.

21. Copy of Act, etc., to be open to inspection.—Every society shall keep open to inspection at all reasonable times at the registered address of the society—

- (a) a copy of this Act,
- (b) a copy of the rules governing such society,
- (c) a copy of the by-laws of such society, and
- (d) a register of its members.

22. Audit.—(1) The Registrar shall by himself or by some person authorized by him in writing by general or special order in this behalf audit the accounts of every society once at least in every year.

(2) The audit under sub-section (1) shall include an examination of overdue debts, if any, the verification of cash balance and securities, and a valuation of the assets and liabilities of the society.

(3) The registrar or other person auditing the accounts of any society shall have free access to the books, accounts and vouchers of such society and shall be allowed to verify its cash balances and securities.

The Directors, Managers, and other officers of the society shall furnish to the Registrar or other person appointed to audit the accounts of a society all such information as to its transactions and working as the Registrar or such person may require.

(4) The Registrar and every other person appointed to audit the accounts of a society shall have power, when necessary—

- (i) to require the production of any book or document relating to the member of the society who he has reason to believe can give valuable information in regard to any transaction of the society or the management of its affairs, or
- (ii) to require the production of any book or document relating to the affairs of any cash or securities belonging to the society by the officer, agent, servant or member in possession of such book, document, cash or securities.

22A. Registrar to bring defects disclosed in audit to notice of society.—If the result of the audit held under section 22 discloses any defects in the working of a society, the Registrar may bring such defects to the notice of the society and if the society is a member of a Federal Society also to the notice of the Federal Society. The Registrar may also make an order directing the society or its officers to take such action as may be specified in order to remedy the defects, within the time specified therein. Where the society concerned is a member of a Federal Society, such order shall be made after consulting the Federal Society.

CHAPTER V

PRIVILEGES OF SOCIETIES

23. Societies to be bodies corporate.—The registration of a society shall render it a body corporate by the name under which it is registered, with perpetual succession and a common seal, and with power to hold property, to enter into contracts, to institute and defend suits and other legal proceedings and to do all things necessary for the purposes of its constitution.

24. Prior claim of society.—(1) Subject to any prior claim of the Government in respect of land revenue or any money recoverable as land revenue or of a landlord in respect of rent or any money recoverable as rent,

- (a) any debt or outstanding demand owing to a society by any member or past member shall be a first charge (i) upon crops or other agricultural produce raised in whole or in part with a loan taken from the society by such member or past member and (ii) upon any cattle, fodder for cattle, agricultural or industrial implements or machinery, or raw materials for manufacture or workshops, godown or place of business, supplies to or purchase by such member or past member in whole or in part from any loan whether in money or goods given him by the society,
- (b) any outstanding demands or dues payable to a housing society by any member or past member in respect of rent, shares, loans, or purchase money or any other rights or amounts payable to such society shall be a first charge upon his interest in the immovable property of the society.

(2) No property or interest in property which is subject to a charge under sub-section (1) shall be transferred in any manner except by way of lease for a term not exceeding ten years without the previous permission of the society.

(3) Notwithstanding anything contained in any law, any transfer made in contravention of the provisions of sub-section (2) shall be void.

(4) Any person who in contravention of the provisions of sub-section (2) transfers any property which is subject to a charge under sub-section (1) shall, on conviction, be punishable with imprisonment for a term which may extend to six months or with fine which may extend to five hundred rupees.

24A. Charges on immovable property of members borrowing loans from certain societies.—Notwithstanding anything contained in this Act or in any other law for the time being in force:—

- (i) any person who makes an application to a society of which he is a member for a loan shall, if he owns any land or has interest in any land as a tenant make a declaration in the form prescribed by rules. Such declaration shall state that the applicant thereby creates a charge on such land or interest specified in the declaration for the payment of the amount of the loan which the society may make

to the member in pursuance of the application and for all future advances, if any, required by him which the society may make to him as such member subject to such maximum as may be determined by the society together with interest on such amount of the loan and advances;

- (ii) any person who has borrowed a loan from a society of which he is a member and who owns any land shall, as soon as possible, make a declaration in the form and to the effect referred to in clause (i) and no such person shall, unless and until he has made such declaration, be entitled to exercise any right as a member of the Society;
- (iia) any person who has borrowed a loan from a society of which he is a member and has any interest in land as a tenant shall, as soon as possible, make a declaration in the form and to the effect referred to in clause (i) and no such person shall unless and until he has made such declaration be entitled to exercise any right as a member of the society;
- (iii) a declaration made under clause (i) or (ii) or (iia) may be varied at any time by a member with the consent of the society in favour of which such charge is created;
- (iv) no member shall alienate the whole or any part of the land or interest therein specified in the declaration made under clause (i) or (ii) or (iia) until the whole amount borrowed by the member together with interest thereon is paid in full:

Provided that standing crops on any such land may be alienated with the previous permission of the society;

* * * * *

- (v) any alienation made in contravention of the provisions of clause (iv) shall be void;
- (vi) subject to the prior claims of the Government in respect of land revenue or any money recoverable as land revenue there shall be a first charge in favour of the society on the land or interest specified in the declaration made under clause (i) or (ii) or (iia) for and to the extent of the dues owing by him on account of the loan;
- (vii) the record of rights maintained under the Settlement and Survey Rules for the time being in force in Tripura shall also include the particulars of every charge on land or interest created under a declaration under clause (i), (ii) or (iia).

Explanation.—For the purpose of this section, ‘society’ shall mean—

- (a) any resource society the majority of the members of which are agriculturists and the primary object of which is to obtain credit for its members; or
- (b) any society or any society of the class of societies specified in this behalf by the Chief Commissioner of Tripura by a general or special order.

24A. Deduction from salary to meet society’s claim in certain cases.—(1) A member of a society may execute an agreement in favour of the society providing that his employer shall be competent to deduct from the salary or wages payable to him by the employer such amount as may be specified in the agreement and to pay the amount so deducted to the society in satisfaction of any debt or other demand owing by the member to the society.

(2) On the execution of such agreement the employer shall, if so required by the society by a requisition in writing and so long as such debt or demand or any part of it remains unpaid, make the deduction in accordance with the agreement and pay the amount so deducted to the society within fourteen days from the date on which such deduction is made.

(3) Nothing contained in this section shall apply to persons employed in railways (within the meaning of the Constitution), mines and oil-fields.

25. Charge and set-off in respect of shares or interest of member.—A society shall have a charge upon the share or interest in the capital and on the deposits of a member or past member and upon any dividend, bonus or profits payable to a member or past member in respect of any debt due from such member or past member to the society, and may set-off any sum credited or payable to a member or past member in or towards payment of any such debt.

26 Shares or interest not liable to attachment.—Subject to the provisions of section 25, the share or interest of a member in the capital of a society or in a loan stock issued by a housing society or the share or interest of a member, or officer or servant of a society in any provident fund established under section 41 of this Act shall not be liable to attachment or sale under any decree or order of a court of justice in respect of any debt or liability incurred by such member, officer or servant and no Receiver under the Provincial Insolvency Act, 1920 (V of 1920), shall be entitled to or have any claim on such share or interest.

27. Transfer of interest on death of member.—(1) Subject to the provisions of section 17A, on the death of a member of a society such society may within a period of one year from the date of such member transfer the share or interest of the deceased member to a person or persons nominated in accordance with the by-laws of the society, if duly admitted a member of the society, in accordance with the rules or the by-laws of the society, or if there is no person so nominated, to such person as may appear to the Committee to be the heir or legal representative of the deceased member if duly elected a member of the society, or may pay to such nominee, heir or legal representative, as the case may be, a sum representing the value of such member's share or interest as ascertained in accordance with the rules or by-laws:

Provided that such nominee, heir or legal representative, as the case may be, may require that payment shall be made by the society within one year from the death of the member of the value of the share or interest of such member ascertained as aforesaid

(2) A society shall subject to the provisions of section 25 and unless prevented by an order of a competent court pay to such nominee, heir or legal representative, as the case may be, all other moneys due to the deceased member from the society.

(3) All transfers and payments made by a society in accordance with the provisions of this section shall be valid and effectual against any demand made upon the society by any other person.

28. Liability of past member.—The liability of a past member for the debts of a society as they existed at the time when he ceased to be a member, shall continue for a period of two years from the date of his ceasing to be a member.

29. Liability of the estates of deceased members.—The estate of a deceased member shall be liable for a period of two years from the date of his decease for the debts of a society as they existed at the time of his death.

30. Register of members.—Any register or list of members or shares kept by any society shall be *prima facie* evidence of any of the following particulars entered therein:—

- (a) the date at which the name of any person was entered in such register or list as a member;
- (b) the date at which any such person ceased to be a member.

31. Admissibility of copy of entry as evidence.—(1) A copy of any entry in any book, register or list regularly kept in the course of business in the possession of a society shall, if duly certified in such manner as may be prescribed by the rules, be admissible in evidence of the existence of the entry and shall be admitted as evidence of the matters and transactions therein recorded in every case where, and to the same extent to which, the original entry would, if produced, have been admissible to prove such matters.

(2) In the case of such societies as the Chief Commissioner of Tripura by general or special order may direct no officer of a society shall in any legal proceedings to which the society is not a party be compelled to produce any of the society's books, the contents of which can be proved under sub-section (1), or to appear as a witness to prove the matters, transactions and accounts therein recorded, unless by order of the Court or a Judge made for special cause.

32. Exemption from compulsory registration of instruments relating to shares and debentures of society.—Nothing in section 17, sub-section (1), clauses (b) and (c), of the Indian Registration Act, 1908 (XVI of 1908), shall apply to—

- (1) any instrument relating to shares in a society, notwithstanding that the assets of the society consist in whole or in part of immovable property; or

- (2) any debenture issued by any society and not creating, declaring, assigning, limiting or extinguishing any rights title or interest to or in immovable property except in so far as it entitles the holder to the security afforded by a registered instrument whereby the society has mortgaged, conveyed or otherwise transferred the whole or part of its immovable property or any interest therein to trustees upon trust for the benefit of the holders of such debentures, or
- (3) any enforcement upon or transfer of any debenture issued by any society

33 Power to exempt from income tax stamp duty, registration and court fees—(1) The Central Government by notification in the Tripura Gazette may, in the case of any society or class of societies, remit the income tax or super-tax payable in respect of the profits of the society, or of the dividends or other payments received by the members of the society on account of profits or in respect of interest on securities held by the society

(2) The Central Government or, in such cases as it may direct the Chief Commissioner of Tripura by notification in the Tripura Gazette may, in the case of any society or class of societies remit—

- (a) the stamp duty with which, under any law for the time being in force, instruments executed by or on behalf of a society or by an officer or member and relating to the business of the society, or any class of such instruments or awards of the Registrar or his nominee under this Act are respectively chargeable, and
- (b) any fee payable under the law of registration and of court fees for the time being in force

33A Chief Commissioner of Tripura may give loans, contribute to share capital or guarantee debentures, share capital or dividend—Subject to such conditions as the Central Government may by general or special order specify in this behalf and to such other conditions as may be provided for by any law for the time being in force, the Chief Commissioner of Tripura may

- (a) give loans to societies
- (b) contribute towards the share capital of a society
- (c) guarantee the payment of principal debentures issued by a society or of interest thereon or both or the repayment of the share capital of a society to its members or the payment of dividend thereon at such rates as may be specified by the Chief Commissioner of Tripura, or
- (d) guarantee the repayment of loans given by a co-operative bank to a society

CHAPTER VI

PROPERTY AND FUNDS OF SOCIETIES

34 Restrictions on loans.—(1) Except with the general or special sanction of the Registrar a society shall not make a loan to any person other than a member

(3) The Chief Commissioner of Tripura may by general or special order, prohibit or restrict the lending of money on the security of moveable property or on mortgage of immovable property by any society or class of societies

35 Restrictions in borrowing.—A society shall receive deposits and loans from persons who are not members only to such extent and under such conditions as may be prescribed by the rules or by the by-laws of the society

36 Restrictions on other transactions with non members.—Consumers', Producers' and Housing Societies may to the extent permitted by their by laws trade with persons who are not members, but the transactions of a Resource society with persons other than members except as provided under section 34 or 35 shall be subject to such prohibitions and restrictions, if any as the Chief Commissioner of Tripura may by rules prescribe

37 Investment of funds.—A society may invest or deposit its funds—

- (a) in the Government Savings Bank, or

- (b) in any of the securities specified in section 20 of the Indian Trusts Act, 1882; or
- (c) in the shares or on the security of any other society, provided that no such investment shall be made in the shares of any society other than one with limited liability; or
- (d) with any bank or person carrying on the business of banking approved for this purpose by the Registrar; or
- (e) in any other mode permitted by the rules or by general or special order of the Chief Commissioner of Tripura.

38. Restrictions on dividend.—No society shall pay a dividend to its members at a rate exceeding $6\frac{1}{2}$ per cent.

39. Reserve fund.—(1) Every society which does or can derive a profit from its transactions shall maintain a reserve fund.

(2) In the case of a Resource or Producers' Society at least $\frac{1}{10}$ th of the net profits of the society each year shall be carried to the reserve fund and in the case of any other society at least $\frac{1}{10}$ th of the net profits of the society each year shall be carried to the reserve fund, and such reserve fund may be used in the business of the society or may be invested, subject to the provisions of section 37, as the Chief Commissioner of Tripura may by general or special order direct or may, with the previous sanction of the Chief Commissioner of Tripura be used in part for some public purpose likely to promote the objects of this Act or for some purposes of local interest.

40. Restrictions on distribution of profits.—Subject to the provisions of section 38 the balance of the profits of a society after making the prescribed provision for the reserve fund may, together with any available profits of past years be distributed among its members and be paid to the Central Government on the share capital of the society contributed by it, if any, under section 33A, and in the case of Consumers' and Producers' societies also among persons who are not members, to the extent and under the conditions prescribed by the rules or by the by-laws of such societies, provided that:—

- (a) in the case of a Resource society on a basis of unlimited liability in which the members do not hold shares no distribution of profits shall be made without the general or special order of the Chief Commissioner of Tripura in this behalf; and
- (b) in the case of a Resource society on a basis of unlimited liability in which the members hold shares, no such distribution of profits shall be made until 10 years from the date of registration of the society have elapsed.

41. Provident Fund.—Any society may establish a provident fund for its members or officers or servants out of contributions from such members or officers or servants, as the case may be, in accordance with by-laws made by the society in this behalf and may contribute to such provident fund from its net profits, after the prescribed payments have been made to the reserve fund, provided that such provident fund shall not be used in the business of the society but shall be invested under the provisions of section 37; and provided further that no part of such provident fund shall be considered as an asset of the society.

42. Contribution to charitable purpose.—After the payment prescribed by sub-section (2) of section 39 have been made, any society may—

- (a) set aside a sum not exceeding 20 per cent. of its net profits, and
- (b) utilize from time to time the whole of such sum in contributing to any public or co-operative purpose, or to a charitable purpose as defined in section 2 of the Charitable Endowments Act, 1890 (VI of 1890).

CHAPTER VII

INSPECTION OF AFFAIRS AND APPOINTMENT OF ADMINISTRATOR

43. Inquiry by Registrar.—(1) The Registrar may of his own motion by himself or by a person duly authorised by him in writing in this behalf hold an inquiry into the constitution, working and financial condition of a society.

(2) The Registrar shall hold such an inquiry as is contemplated in sub-section (1) of this section—

- (a) on the requisition of a society, duly authorised by rules made in this behalf to make such requisition, in respect of one of its members, such member being itself a society,

- (b) on the application of a majority of the Committee of the society,
- (c) on the application of 1/3rd of the members of the society.

(3) All officers and members of the society whose affairs are investigated shall furnish such information in their possession in regard to the affairs of the society as the Registrar or the person authorized by the Registrar may require.

(4) The result of any inquiry under this section shall be communicated to the society whose affairs have been investigated.

44. Inspection of books of indebted society.—(1) The registrar may on the application of a creditor of a society inspect or direct some persons authorized by him by order in writing in this behalf to inspect the books of the society:

Provided that—

- (a) the applicant satisfies the Registrar that the debt is a sum then due, and that he has demanded payment thereof and has not received satisfaction within a reasonable time; and
- (b) the applicant deposits with the Registrar such sum as security for the costs of the proposed inspection as the Registrar may require.

(2) The registrar shall communicate the result of any such inspection to the creditor.

45. Costs of inquiry.—Where an inquiry is held under section 43 or an inspection is made under section 44 the Registrar may apportion the costs, or such part of the costs, as he may think right, between the society, the members or creditors demanding the inquiry or inspection, the officers or former officers, and the members or past members of the society and may also provide that the costs or any part thereof (in particular, any fees which may be payable to any person authorised as aforesaid to hold the inquiry) shall be paid in the first instance from the funds of the society, and then recovered and repaid to the society.

Provided that—

- (a) no order of apportionment of the costs shall be made under this section unless the society or persons liable to pay the costs thereunder has or have been heard or has or have had a reasonable opportunity of being heard;
- (b) the Registrar shall state in writing under his own hand the grounds on which the costs are apportioned.

46. Recovery of costs.—Any sum awarded by way of costs under section 45 may be recovered, on application by the Registrar to a Magistrate having jurisdiction in the place where the person from whom the money is claimable actually and voluntarily resides, or carries on business, by the distress and the sale of any moveable property within the limits of the jurisdiction of such Magistrate belonging to such person, and such Magistrate shall proceed to recover the same in the same manner as if it were a fine imposed by himself.

46A. Registrar to bring defects disclosed in inquiry or inspection to notice of society.—(1) If the result of any inquiry held under section 43 or an inspection made under section 44 discloses any defects in the working of a society the Registrar may bring such defects to the notice of the society and if the society is a member of a Federal society to the notice of the Federal society. The Registrar may also make an order directing the society or its officers or the Federal society to take such action as may be specified in the order to remedy the defects within the time specified therein.

(2) The Federal society or the society concerned may appeal against an order made by the Registrar under sub-section (1) to the Chief Commissioner of Tripura within the time specified in the order.

(3) The Chief Commissioner of Tripura may in deciding the appeal annul, reverse, modify or confirm the order of the Registrar.

46B. Appointment of administrator.—(1) If at any time, whether after an inquiry held under section 43 or upon an inspection made under section 44, or otherwise, the Chief Commissioner of Tripura has reason to believe that the Committee is mismanaging the affairs of a society or is otherwise acting in a manner likely to be prejudicial to the interests of the society, the Chief Commissioner of Tripura may give notice to the Committee to show cause why it should not be dissolved and its members should not be removed from office.

(2) If after giving such notice and after considering the explanation, if any, given by the Committee, the Chief Commissioner of Tripura is satisfied that the Committee is mismanaging or has mismanaged the affairs of the society, or is acting or has acted in a manner likely to be prejudicial to the interests of the society, the Chief Commissioner of Tripura may, notwithstanding anything contained in this Act or the rules made thereunder or the by-laws of the society but after consulting the bank, if any, financing the society, dissolve the Committee and remove its members from office and appoint an administrator, who need not be a member of the society, to carry on the affairs of the society.

(3) The administrator to be appointed under sub-section (2) shall possess such qualifications as may be prescribed, and shall hold office for such period not exceeding two years as may be prescribed, and shall hold office for such period not exceeding two years as may be directed by the Chief Commissioner of Tripura:

Provided that the Chief Commissioner of Tripura may, from time to time, extend such period but the total period of his appointment, including any extended periods, shall not exceed three years in the aggregate.

(4) The administrator shall subject to the directions of the Chief Commissioner of Tripura or any officer authorised by him in this behalf, exercise all the powers and perform all the functions of the Committee of the Society.

(5) The Chief Commissioner of Tripura may fix the remuneration payable to the administrator and the amount of such remuneration and any expenses of the management shall be payable out of the funds of the society within such time or at such intervals as the Chief Commissioner of Tripura may fix, and if such remuneration or expenses are not paid within the time or at the intervals fixed, the Chief Commissioner of Tripura may make an order directing the person or persons having custody of the funds of the society to pay to the administrator such remuneration and expenses in priority to any other charges (except the land revenue, the arrears of the land revenue, or any sum recoverable from the society as arrears of land revenue) and he or they shall, so far as the funds to the credit of the society admit, comply with the order of the Chief Commissioner of Tripura.

(6) If at any time during any period or extended period referred to in sub-section (3) it appears to the Chief Commissioner of Tripura that it is no longer necessary to continue to carry on the affairs of the society as aforesaid, the Chief Commissioner of Tripura may by an order published in the Tripura Gazette direct that the management shall terminate, and on such order being made, the management of the society shall be handed over to a duly constituted Committee. All acts done or purported to be done by the administrator during the period the affairs of the society are carried on by the administrator shall be binding on such Committee.

CHAPTER VIII

LIQUIDATION AND ARBITRATION

47. Winding up.—If the Registrar, after an inquiry has been held under section 43 or after an inspection has been made under section 44 or on receipt of an application made by three-fourths of the members of a society present at a special general meeting, called for the purpose or of his own motion, in the case of a society that has not commenced working, or has ceased working, or possesses shares or members' deposits not exceeding Rs. 500, is of opinion that the society ought to be wound up he may issue an order directing it to be wound up, and when necessary, may appoint a liquidator for the purpose and fix his remuneration.

48. Society may be wound up if membership is reduced.—Where it is a condition of the registration of a society that it shall consist of at least ten members who are majors, the Registrar may by order in writing direct the society to be wound up, if at any time it is proved to his satisfaction that the membership has been reduced to less than ten such members.

48A. Effect of liquidation of society on past member or on estate of deceased member.—Notwithstanding anything contained in sections 28 and 29, when a society is directed to be wound up under section 47 or 48, the liability of a past member and the liability of the estate of a deceased member of the society, as it existed on the date on which the society was directed to be wound up, shall continue until all the liabilities of the society are met.

49. Effect of cancellation of registration.—When the affairs of a society for which a liquidator has been appointed under section 47 have been wound up, or

where no liquidator has been appointed after two months from the date of an order under section 47, or after confirmation of such order in appeal, the Registrar shall make an order cancelling the registration of the society, and the society shall be deemed to be dissolved from the date of such order.

50. Powers of a liquidator.—A liquidator appointed under section 47 shall have power with the sanction of the Registrar to do all or any of the following things:—

- (a) pay any class or classes of creditors in full;
- (b) make any compromise or arrangement with creditors or persons claiming to be creditors or having or alleging themselves to have any claim, present or future, whereby the society may be rendered liable;
- (c) to compromise all calls or liabilities to calls and debts and liabilities capable of resulting in debts, and all claims, present or future, certain or contingent, subsisting or supposed to subsist between the society and a contributory or alleged contributory or other debtor or person apprehending liability to the society and all questions in any way relating to or affecting the assets or the winding up of the society on such terms as may be agreed and take any security for the discharge of any such call, liability, debt, or claim and give a complete discharge in respect thereof;
- (d) from time to time to determine the contribution to be made or remaining to be made by the members or past members or by the estates or nominees, heirs or legal representatives of deceased members or by any officers to the assets of the society, such contribution including debts due from such members or persons;
- (e) to institute and defend suits and other legal proceedings on behalf of the society in the name of his office;
- (f) to issue requisitions under section 59 upon the collector for the recovery as arrears of land revenue of any sum ordered by him to be recovered as dues from members, or as a contribution to the assets of the society or to the cost of liquidation;
- (g) to get any dispute referred to the Registrar for decision by himself or his nominee;
- (h) to investigate all claims against the society and subject to the provisions of this Act to decide questions of priority arising out of such claims, and to pay rateably according to the amount of such debts, the surplus if any being applied in payment of interest from the date of liquidation at a rate to be fixed by the Registrar and not exceeding the contract rate;
- (i) to determine by what persons and in what proportion the cost of the liquidation shall be borne;
- (j) to give such directions in regard to the collection and distribution of the assets of the society as may appear to him to be necessary for winding up the affairs of the society;
- (k) to fix the time or times within which creditors shall prove their debts and claims or be included for the benefit of any distribution made before those debts or claims are proved;
- (l) to carry on the business of the society so far as may be necessary for the beneficial winding up of the same:

Provided that no liquidator shall determine the contribution, debt or dues to be recovered from a member or a past member or the representative of a deceased member unless opportunity has been given to such member or past member or to such representative to answer the claim.

50A. Power of Registrar to assess damage against delinquent promoters, etc —

(1) Where, in the course of or as a result of an audit under section 22 or an inquiry under section 43 or an inspection under section 44 or, the winding up of a society it appears that any person who has taken part in the organization or management of the society or any past or present chairman, secretary, member of the managing committee, or officer of the society has misapplied or retained or become liable or accountable for any money or property of the society or has been guilty of misfeasance or breach of trust in relation to the society, the Registrar may, on the application of the officer conducting the audit or holding the inquiry or inspection, or of the liquidator or of any creditor or contributory, examine into the conduct of such person and after giving reasonable opportunity to the person concerned to submit his explanation, make an order requiring him to

repay or restore the money or property or any part thereof respectively with interest at such rate as the Registrar thinks just or to contribute such sum to the assets of the society by way of compensation in regard to the misapplication, retainer, misfeasance or breach of trust as the Registrar thinks just.

(1A) The Registrar, instead of himself examining into the conduct of any such person under sub-section (1), may, by an order in writing, authorize any person to examine into the conduct of such person under sub-section (1). The person so authorized shall, after giving such person reasonable opportunity to submit his explanation, report to the Registrar the result of the examination with his recommendations as to what action, if any, the Registrar should take. The Registrar, after considering the report, may make any order which he considers just in the circumstances, and which he could have made under sub-section (1) if he had made the examination himself.

(1B) For the purpose of sub-section (1A) the person authorized shall, subject to the general or special order of the Chief Commissioner of Tripura, be a person who is or has held office not lower in rank than that of a Deputy Registrar, Co-operative Societies, a Deputy Collector or a Civil Judge (Senior Division).

(1C) The Registrar, in making any order under this section, may provide therein for the payment of the costs, or any part thereof, of such examination by such person or persons as he thinks just; and he may direct that such costs, or any part thereof, shall be paid in the first instance from the funds of the society, or from the interest on surplus assets of the society dissolved under Section 49, as the case may be, and then recovered and repaid to the society or credited to the said surplus assets.

(2) This section shall apply notwithstanding that the act is one for which the offender may be criminally responsible.

51. **Bar of suit in winding up and dissolution matters.**—Save in so far as it expressly provided in this Act no civil court shall take cognizance of any matter connected with the winding up or dissolution of a society under this Act and when a winding up order has been made no suit or other legal proceeding shall lie or be proceeded with against the society except by leave of the Registrar and subject to such terms as he may impose.

52. **Disposal of surplus assets.**—After all the liabilities including the paid-up share capital of a cancelled society have been met, the surplus assets shall not be divided amongst its members but they shall be devoted to any object or objects described in the by-laws of the society and when no object is so described to any object of public utility determined by the general meeting of the society and approved by the Registrar or they may in consultation with them either be assigned by the Registrar in whole or in part to any or all of the following:—

- (a) an object of public utility of local or communal interest,
- (b) a charitable purpose as defined in section 2 of the Charitable Endowments Act, 1890 (VI of 1890), or may be placed on deposit with a Central Co-operative Bank until such time as a new society with similar objects is registered and is classified by the Registrar as falling under the head or sub-head specified in clause (h) of section 3 and which the cancelled society was classified when with the consent of the Registrar such surplus may be credited to the reserve fund of such new society.

53. **Surplus assets of housing society.**—Where the society directed to be wound up is a housing society, its assets, both movable and immovable, shall for the purposes of winding up or dissolution of the society jointly vest, subject to all rights and equities, in two persons, of whom one shall be nominated by the Registrar and the other shall be nominated by said society in a general meeting, specifically called for the purpose. Such persons shall, for the purpose of winding up or dissolution of the society be joint liquidators and shall have all the powers of a liquidator under this Act. They may, with the sanction of the Registrar, continue the working of the society, or may subject to his sanction and in consultation with the members of the society in a general meeting, reconstruct the society or may sell off the premises of the society to the best advantage of all interests concerned, and when all the liabilities of the society are met, may dispose of the surplus assets of the society if any, as provided in section 52.

54. **Decision of disputes.**—(1) (a) If any dispute touching the constitution or business of a society arises between members or past members of the society or

persons claiming through a member or past member or between members or past members or persons so claiming and any officer, agent or servant of the society past or present, or between the society or its committee, and any officer, agent, member or servant of the society past or present, it shall be referred to the Registrar for decision by himself or his nominee.

A dispute shall include claims by a society for debts or demands due to it from a member or past member or the heirs or assets of a past member as well as claims by a member or past member or the heirs of a past member for any debts or demands due to him from the society, whether such debts or demands be admitted or not:

Provided that if the question at issue between a society and a claimant, or between different claimants, is one involving complicated questions of law and fact, the Registrar may, if he thinks fit, suspend proceedings in the matter until the question has been tried by a regular suit instituted by one of the parties or by the society. If no such suit is instituted within six months of the Registrar's order suspending proceedings the Registrar shall take action as laid down in paragraph I of this section.

(b) Notwithstanding anything contained in clause (a), any dispute regarding the election of any office bearer of a society may, within one month from the date of declaration of the result of such election, be referred by any candidate at such election or any member of the society, to the Registrar for decision by himself or his nominee.

(2) Where any dispute is referred under sub-section (1) for decision by the Registrar's nominee, the Registrar may, at any time, for reasons to be recorded in writing, withdraw such dispute from his nominee and may decide the dispute himself or refer it again to any other nominee appointed by him for decision:

Provided that no such dispute shall be withdrawn except on any of the following grounds:—

- (i) the Registrar's nominee has failed to decide the dispute within two months or such further period as may be allowed by the Registrar;
- (ii) the proceedings before the Registrar's nominee are vitiated in consequence of corruption or misconduct on the part of the Registrar's nominee.

55. Attachment before award.—(1) Where a dispute has been referred to the Registrar under clause (g) of Section 50 or under Section 54, or where the Registrar or the person authorized under sub-section (1A) of Section 50A examines into the conduct of any person under the said section, the Registrar or his nominee, or the person authorized, as the case may be, is satisfied on enquiry or otherwise that a party to such dispute or examination with intent to delay or obstruct the execution of any award or the carrying out of any order that may be made—

- (a) is about to dispose of the whole or any part of his property, or
- (b) is about to remove the whole or any part of his property from the jurisdiction of the Registrar, may unless adequate security is furnished direct the conditional attachment of the said property; and such attachment shall have the same effect as if made by a competent Civil Court.

(2) The Registrar or his nominee or the person authorised as the case may be, may in order to prevent the end of justice being defeated make such interlocutory orders pending the decision in a dispute referred to in sub-section (1) as may appear to be just and convenient.

56. Appeal against decision of Registrar and his nominee.—Any party aggrieved by any decision of the Registrar or his nominee or the person authorized under section 54 or an order passed under section 55 by the Registrar or his nominee or the person authorized may, within two months from the date of the decision or order, appeal to the Tribunal:

* * * *

57. Finality of order.—An award of the Registrar or his nominee under section 54 shall not be liable to be called in question in any civil or revenue court

58. Powers to enforce attendance.—Wherever in this Act it is provided that the Registrar or person duly authorised by general or special order in writing by

the Registrar in this behalf shall hold an inquiry under section 43 or shall make an inspection under section 44 or shall wind up a society, such Registrar, or person authorized, as the case may be, shall have the power to summon and enforce the attendance of witnesses including the parties interested or any of them and to compel them to give evidence, and to compel the production of documents by the same means and as far as possible in the same manner as is provided in the case of a civil court by the Code of Civil Procedure, 1908 (V of 1908)

59. Money how recovered.—(1) Every order passed by a liquidator under section 50, or by the Registrar under section 50A or by the Registrar or his nominee on disputes referred to him under clause (g) of section 50 or under section 54, every order passed in appeal under section 56, every order passed in revision under sub-section (6) of section 63A and every order passed by the Chief Commissioner of Tripura in appeal against orders passed under section 50 shall, if not carried out—

- (a) on a certificate signed by the Registrar or a liquidator, be deemed to be a decree of a Civil Court and shall be executed in the same manner as a decree of such Court; or
- (b) be executed according to the law and under the rules for the time being in force for the recovery of arrears of land revenue, provided that any application for the recovery in such manner of any such sum shall be made to the Collector and shall be accompanied by a certificate signed by the Registrar or by an Assistant Registrar to whom the said power has been delegated by the Registrar. Such application shall be made within twelve years from the date fixed in the order and if no such date is fixed, from the date of the order.

59AA. Private transfer of property made after issue of certificate void against society.—Any private transfer or delivery of, or encumbrance or charge on, property made or created after the issue of the certificate of the Registrar, Liquidator, or Assistant Registrar, as the case may be, under section 59 shall be null and void as against the society on whose application the said certificate was issued.

59A. Transfer of property which cannot be sold.—(1) When in execution of an order sought to be executed under section 59, any property cannot be sold for want of buyers, if such property is in the occupancy of the defaulter or of some person on his behalf or of some person claiming under a title created by the defaulter subsequently to the issue of the certificate of the Registrar, Liquidator or Assistant Registrar under clause (a) or (b) of sub-section (1), the Court or the Collector, as the case may be, may, with the previous consent of the Registrar, direct that the said property or any portion thereof shall be transferred to the society which has applied for the execution of the said order and that the said property or the portion shall be delivered to the society in the prescribed manner.

(2) Subject to such rules as may be made in this behalf and to any rights, encumbrances, charges or equities lawfully subsisting in favour of any other person, such property or portion thereof shall be held by the said society on such terms and conditions as may be agreed upon between the Court or the Collector, as the case may be, and the said society.

(3) Subject to the general or special orders of the Chief Commissioner of Tripura, the Collector may delegate to an officer, not below the rank of an Assistant or Deputy Collector, powers exercisable by him under this section.

59B. Recovery of moneys due to land mortgage bank.—(1) Notwithstanding anything contained in sections 54 and 59, in an application made by a land mortgage bank for the recovery of arrears of any sum advanced by it to any of its members or by a resource society for the recovery of arrears of any sum advanced by it to any of its members on account of the financing of crops or seasonal finance and on its furnishing a statement of accounts in respect of the arrears, the Registrar may, after making such enquiries as he deems fit, grant a certificate for the recovery of the amount stated therein to be due as arrears.

(2) A certificate granted by the Registrar under sub-section (1) shall be final and conclusive. The arrears stated to be due therein shall be recoverable according to the law for the time being in force for the recovery of land revenue.

CHAPTER IX

OFFENCES

60. Offences.—It shall be an offence under this Act if—

- (a) *Default by a society, officer or member.*—A society with a working capital of Rs. 50,000 or more or an officer or member thereof fails without any reasonable excuse to give any notice, send any return or document, do or allow to be done anything which the society, officer or member is by this Act required to give, send, do or allow to be done; or
- (b) *Wilful neglect or default by a society, etc.*—A society or an officer or a member thereof wilfully neglects or refuses to do any act or to furnish any information required for the purposes of this Act by the Registrar or other person duly authorised by him in writing in this behalf; or
- (c) *Wilful furnishing of false information.*—A society or an officer or member thereof wilfully makes a false return or furnishes false information; or
- (d) *Disobedience of summons, requisition of order.*—Any person wilfully or without any reasonable excuse disobeys any summons, requisition or lawful written order issued under the provisions of this Act or does not furnish any information lawfully required from him by a person authorized to do so under the provisions of this Act.

60A. Penalty for officer sanctioning benami loans.—Any officer of a society who wilfully recommends or sanctions, for his own personal use or benefit, loan in the name of any other person shall, on conviction, be punishable with fine which may extend to five hundred rupees.

60B. Penalty for failure to pay amount under section 24-A and offences by corporations.—Any employer, who, without sufficient cause, fails to pay to the society the amount deducted by him under sub-section (2) of section 24A within a period of fourteen days from the date on which such deduction is made shall, without prejudice to any action that may be taken against him under any law for the time being in force, on conviction, be punished with imprisonment for a term which may extend to one month or with fine which may extend to five thousand rupees or with both:

Provided that if such employer is a company or other body corporate, every director, manager, secretary or other officer or agent thereof shall, unless he proves that the contravention took place without his knowledge or that he exercised all due diligence to prevent such contravention, be deemed to be guilty of such contravention.

61. Penalty for offences not otherwise provided for.—Every society, officer or member of a society or other person guilty of an offence under this Act for which no penalty is expressly provided herein shall be liable to a fine not exceeding Rs. 50

62. Prohibition of the use of the word "co-operative".—(1) No person other than a registered society shall without the sanction of the Chief Commissioner of Tripura trade or carry on business under any name or title of which the word "co-operative" or its vernacular equivalent forms part:

Provided that nothing in this section shall apply to the use by any person or his successor in interest of any name or title under which he traded or carried on business at the date on which this act comes into operation.

(2) Whoever contravenes the provisions of this section shall be punishable with fine which may extend to fifty rupees and in the case of a continuing offence with further fine of five rupees for each day on which the offence is continued after conviction therefor.

63. (1) Cognizance of offences.—No court inferior to that of a Magistrate of the First Class shall try any offence under this Act.

(2) Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (V of 1898)—

- (a) every offence under this Act shall, for the purposes of the said Code, be deemed to be non-cognizable;

(b) it shall be lawful for a Magistrate of the First Class to pass a sentence of fine exceeding one thousand rupees on any person convicted of an offence under section 60B.

(3) No prosecution under this Act shall be lodged except with the previous sanction of the Chief Commissioner of Tripura in the case of an offence under section 60B and of the Registrar in the case of any other offence under this Act. Such sanction shall not be given except after hearing the party concerned by an officer authorised in this behalf by the Chief Commissioner of Tripura by a general or special order.

CHAPTER X

APPEALS AND REVISION

63A. Tripura Co-operative Tribunal.—(1) The Chief Commissioner of Tripura shall constitute a Tribunal, called the Tripura Co-operative Tribunal, to exercise the functions conferred on the Tribunal by or under this Act.

(2) The Tribunal shall consist of not more than three members possessing such qualifications as may be prescribed.

(2-A) Where the Tribunal consists of three members, any two members of the Tribunal shall form the quorum for the disposal of its business.

(3) Any vacancy in the membership of the Tribunal shall be filled by the Chief Commissioner of Tripura.

(4) Subject to the previous sanction of the Chief Commissioner of Tripura, the Tribunal shall frame regulations consistent with the provisions of this Act and rules made thereunder, for regulating its procedure and the disposal of its business.

(5) The regulations made under sub-section (4) shall be published in the Tripura Gazette.

(6) The Tribunal may call for and examine the record of any proceedings in which an appeal lies to it for the purpose of satisfying itself as to the legality or propriety of any decision or order passed. If in any case it shall appear to the Tribunal that any such decision or order should be modified, annulled or reversed, the Tribunal may pass such order thereon as to it may deem fit.

(6A) Where an appeal is made to the Tribunal under section 56 it may in order to prevent the ends of justice being defeated make such interlocutory orders pending the decision of the appeal as may appear to it to be just and convenient or such orders as may be necessary for the ends of justice or to prevent the abuse of the process of the Tribunal.

(7) An order passed in appeal, or in revision under sub-section (6), or in review under Section 63-B by the Tribunal shall be final and conclusive and shall not be liable to be called in question in any civil or revenue court.

63B. Review of orders of Tribunal.—(1) The Tribunal may, either on the application of the Registrar or on the application of any party interested, review its own order in any case and pass in reference thereto such order as it thinks fit:

Provided that no such application made by the applicant shall be entertained unless the Tribunal is satisfied that there has been a discovery of new and important matter or evidence which after the exercise of due diligence was not within the knowledge of the applicant or could not be produced by him at the time when its order was made or that there has been some mistake or error apparent on the face of the record or for any other sufficient reason:

Provided further that no such order shall be varied or revised unless notice has been given to the parties interested to appear and be heard in support of such order.

(2) An application for review under sub-section (1) by any party shall be made within 90 days from the date of the communication of the order of the Tribunal.

63C. Tribunal to have powers of civil court.—(1) In exercising the functions conferred on it by or under this Act, the Tribunal shall have the same powers as are vested in courts in respect of—

(a) proof of facts by affidavits;

(b) summoning and enforcing the attendance of any person and examining him on oath;

- (c) compelling the production of documents; and
- (d) issuing commissions for the examination of witnesses.

(2) In the case of any such affidavit, any officer appointed by the Tribunal in this behalf may administer the oath to the deponent.

64. Appeals.—(1) An appeal against an order or decision under section 10, 16, 45, 47, 50 or 50A, shall lie—

- (a) if made or sanctioned by the Registrar or Joint Registrar on whom the powers of the Registrar are conferred to the Chief Commissioner of Tripura;
 - (b) if made or sanctioned by any person other than the Joint Registrar on whom the powers of the Registrar are conferred, to the Registrar;
- Provided that no appeal shall lie against an order passed by the Registrar on appeal.

(2) An appeal under sub-section (1) shall be filed within two months of the date of the communication of the order or decision.

64-1A. Extension of period of limitation by appellate authority in certain cases.—In all cases in which it is provided under this Act that an appeal may be filed against any decision or order within a specified period, the appellate authority may admit an appeal after the expiry of such period, if the appellant satisfies the appellate authority that he had sufficient cause for not preferring the appeal within such period.

64A. Power of Chief Commissioner of Tripura and the Registrar to call for proceedings of subordinate officers and to pass orders thereon.—The Chief Commissioner of Tripura and the Registrar may call for and examine the record of any inquiry or the proceedings of any officer subordinate to them except those referred to in sub-section (6) of section 63A for the purpose of satisfying themselves as to the legality or propriety of any decision or order passed and as to the regularity of the proceedings of such officer. If in any case, it shall appear to the Chief Commissioner of Tripura or the Registrar that any decision or order or proceedings so called for should be modified, annulled or reversed, the Chief Commissioner of Tripura or the Registrar, as the case may be, may pass such order thereon as to it or him may deem fit.

CHAPTER XI

FARMING SOCIETIES

64B. Application of this Chapter.—This Chapter shall apply to Farming Societies:

Provided that the Chief Commissioner of Tripura may, by general or special order, direct that the provisions of this Chapter shall also apply to any other class of societies and thereupon they shall apply as if such societies were Farming Societies.

64C. Definitions.—In this Chapter, unless there is anything repugnant in the subject or context,—

- (a) "Board" means the Board constituted under section 64D;
- (c) "Director of Agriculture" means the officer appointed for the time being to be the Director of Agriculture, and includes any officer appointed by the Chief Commissioner of Tripura to perform the duties of the Director of Agriculture under this Act;
- (d) "Inquiry Officer" means an officer appointed to hold an inquiry under this Chapter;
- (e) "Owner" includes an owner in severalty in common or joint and includes also a permanent tenant or tenant holding a lease for a period of not less than ten years and a mortgagee in possession.

64D. Constitution of Board.—(1) For the purposes of this Chapter there shall be constituted a Board consisting of the Registrar and the Director of Agriculture.

(2) If there is a difference of opinion between the members of the Board regarding any question under the provisions of this Chapter, such question shall be referred to the Chief Commissioner of Tripura and shall be determined in accordance with the decision of the Chief Commissioner of Tripura.

64E. Appointment of an Inquiry Officer and his powers.—(1) The Board shall appoint an Inquiry Officer for the purpose of holding inquiries under this Chapter.

(2) For the purpose of such inquiries, the Inquiry Officer shall have—

- (a) all the powers of the Registrar under section 58,
- (b) power to enter upon, survey and take levels of lands proposed to be included in the scheme, to dig or bore into subsoil and to do all acts necessary for the purpose of the inquiry.

64F. Preliminary procedure.—(1) Persons interested in a farming scheme may make an application to the Registrar for the registration of a Farming Society. Such application shall be made in accordance with the provisions of section 9 and shall specify the area affected by the scheme. It shall be accompanied by—

- (a) a detailed description and estimate of the cost of such scheme;
- (b) the names of such of the owners of the lands to be included in the scheme as may have given their consent to the making of the scheme; and
- (c) such other particulars as may be prescribed by rules.

(2) The application together with its accompaniments shall be published in the village or villages and at the headquarters of the sub-division within the limits of which the lands proposed to be included in the scheme are situate.

64G. Registration.—No Farming Society shall be registered under section 10, unless the Board is satisfied, after such inquiry as it thinks necessary, that the scheme proposed by the society is feasible and that not less than 66 per cent. of the owners in possession of not less than 75 per cent. in aggregate of the land proposed to be included in the scheme have given their consent to the making of the scheme. For this purpose the Board shall record or cause to be recorded—

- (a) a plan showing the area affected by the proposed scheme and the surrounding lands as shown in the map or maps of the village or villages affected.
- (b) an examination of the proposed scheme, with any amendments therein proposed by the Board;
- (c) an extract from the record of rights showing the names of the owners of the lands, and the areas of the lands to be included in the scheme as approved by the Board;
- (d) statements of such of the owners of such lands as consent to the making of such scheme signed by such owners before the Board or such officer as may be prescribed by rules;
- (e) a detailed estimate of the costs of such scheme;
- (f) a detailed statement showing how the cost is proposed to be met.

64H. Publication of the scheme and inviting claims and objections.—If the society is registered, the scheme shall be published along with the plans, in the village or villages and at the headquarters of the sub-division within the limits of which the lands proposed to be included in the scheme are situate, together with a general notice inviting claims, if any. Separate notices shall, as far as possible, also be served on all owners of lands affected by the scheme and on all persons believed to be interested in the said lands. Such general and separate notices shall require all persons affected by the scheme who make any claims to appear personally or by agent before the Inquiry Officer at a time and place therein mentioned (such time not being earlier than fifteen days after the date of the publication of the scheme).

64I. Inquiry by the Inquiry Officer.—On the date fixed in the notices issued under section 64H or any other day to which the inquiry has been adjourned, the Inquiry Officer shall proceed to inquire into the claims (if any) which may have been made pursuant to the notices and shall hear and decide any other matter which may be required to be heard and decided by or under the provisions of this Chapter.

64J. Decision of disputed claim.—(1) If there is a dispute as to the ownership or possession of any piece of land proposed to be included in the scheme, the Inquiry Officer shall decide the dispute in accordance with the entries relating to such land in the Revenue records kept under any law for the time being in force. If there is no such record, or if in the opinion of the Inquiry Officer the entries in the Revenue record are inaccurate or inconclusive, he shall refer the matter to the Collector for decision. When the Collector decides such dispute, he

shall communicate his decision to the Inquiry Officer and such decision shall, subject to the provisions of sub-section (2), be final for the purpose of the inquiry under this Chapter.

(2) In the event of a civil court passing a decree which is inconsistent with such decision, such decision shall be corrected, modified or rescinded in accordance with such decree, after such decree has been brought to the notice of the Inquiry Officer or the Board either by the civil court or by some person affected by such decree.

64K. Report of Inquiry Officer.—(1) After the inquiry under section 64I is completed, the Inquiry Officer shall make a report to the Board containing the following particulars:—

- (i) the names of all the owners of lands affected by the scheme and the nature and extent of the right or interest of each in respect of such land,
- (ii) the names of all persons whose rights or liabilities are affected and the manner in which they are affected by the scheme,
- (iii) a detailed estimate of the net cost of the scheme to be borne by the society,
- (iv) a detailed estimate of the amounts of compensation to be paid to, or of the amounts to be recovered from, persons affected by the scheme,
- (v) the manner in which recurring costs of the maintenance of, and other expenses incidental to, the scheme shall be fixed and recovered,
- (vi) any other particulars prescribed by or under the Act or the rules.

(2) Such report shall be published in the village or villages and at the headquarters of the sub-division within the limits of which the lands included in the scheme are situate and separate notice of such report shall as far as practicable be given to all persons mentioned in clause (ii) of sub-section (1).

(3) Any person aggrieved by the report of the Inquiry Officer may appeal to the Board.

64L. Board may sanction scheme with or without modification or may refuse to give sanction.—(1) On receipt of the report of the Inquiry Officer the Board may, in consultation with the Collector, after deciding such appeals as may have been made under section 64K and making such further inquiry as it may think fit, either sanction with or without modifications or refuse to give sanction to the scheme.

(2) **Appeal.**—Any person aggrieved by the decision of the Board may within a period of the thirty days from the date of such decision, appeal to the Chief Commissioner of Tripura, who may pass such order as he deems fit.

(3) **Scheme to become final on publication.**—If an appeal is made within the period prescribed in sub-section (2) and the Chief Commissioner of Tripura decide to sanction the scheme with or without modifications, the scheme as sanctioned by the Chief Commissioner of Tripura, or, if no appeal is made within the period aforesaid, the scheme as sanctioned by the Board, shall be published in the Tripura Gazette and in any other way which may be prescribed and shall, on such publication, be final.

64M. Effect of scheme.—On the day on which the scheme as sanctioned is published under section 64L, it shall come into force and all the owners of lands included therein, whether they are members of the society or not, shall have such rights and shall be subject to such liabilities as are conferred or imposed on them under the scheme.

64N. Power to enforce scheme.—On and after the day on which the scheme comes into force, the Farming Society concerned may, after giving the prescribed notice and in accordance with the provisions of the scheme, execute any work which it is the duty of any person to execute under the scheme. Any expense incurred by the society under this section may be recovered from the persons in default in the manner prescribed in section 64Q.

64O. Contribution towards the costs of the scheme.—(1) The costs of the scheme shall be met wholly or in part by a contribution to be levied by the society from each owner of land affected by the scheme including those who may have refused to become members of the society in accordance with the decision of the Board.

(2) The owner of the land affected by the scheme shall be primarily liable for the payment of the contribution leviable in respect of such land.

64P. Dues of Farming societies to be first charge.—Subject to the provisions of section 24, any outstanding demands or dues payable to a Farming Society by any member or past member in respect of any rent, shares, loans, contributions or any other rights or amounts payable to such society shall be a first charge upon his interest in the crops or other agricultural produce on the land included in the scheme.

64Q. Recovery of arrears.—Any sum due to a society under the provisions of this Chapter shall, on application for its recovery being made by such society, be recoverable by the Collector according to the law and under the rules for the time being in force for the recovery of arrears of land revenue.

64R. Power to exempt Farming societies from provisions of Chapter XI.—(1) Notwithstanding anything contained in section 64B, the Chief Commissioner of Tripura may, by general or special order to be published in the Tripura Gazette, exempt any Farming society or class of such societies from any of the provisions of Chapter XI.



CHAPTER XII

MISCELLANEOUS

65. Recovery of sums due to the Government.—(1) All sums due from a society or from an officer or member or past member of a society as such to the Government, may be recovered according to the law and under the rules for the time being in force for the recovery of arrears of land revenue.

(2) Sums due from a society to the Government and recoverable under subsection (1) may be recovered, firstly, from the property of the society; secondly, in the case of a society of which the liability of the members is limited, from the members or past members subject to the limit of their liability; and, thirdly in the case of other societies, from the members or past members.

(3) The liability of past members shall in all cases be subject to the provisions of section 28.

66. Power to exempt societies from conditions as to registration.—Notwithstanding anything contained in this Act, the Chief Commissioner of Tripura may, by special order in each case and subject to such conditions, if any, as it may impose, exempt any society from any of the requirements of this Act as to registration.

67. Power to exempt societies from provisions of Act.—The Chief Commissioner of Tripura may, by general or special order to be published in the Tripura Gazette, exempt any society or class of societies from any of the provisions of this Act, or may direct that such provisions shall apply to such society or class of societies with such modifications as may be specified in the order; provided that no order to the prejudice of any society shall be passed without an opportunity being given to such society to represent its case.

68. Companies Act not to apply.—The provisions of the Companies Act of 1956, shall not apply to societies, registered under this Act.

69. Branches, etc. of societies outside the area to which this Act extends.—Every Co-operative Society registered outside the Union territory of Tripura, which has or establishes a branch or place of business in the Union territory of Tripura, shall within six months from the commencement of this Act or from the establishment of such branch or place of business, file with the Registrar a certified copy of the by-laws and amendments and, if these are not written in the English language, a certified translation in English thereof, and shall submit to the Registrar such returns and information as are submitted by similar societies in the Union territory in addition to those submitted to the Registrar of the area where it is registered.

70. Notice necessary in suits.—No suit shall be instituted against a society or any of its officers in respect of any act touching the business of the society until the expiration of two months next after notice in writing has been delivered to the Registrar, or left at his office, stating the cause of action, the name, description and place of residence of the plaintiff and the relief which he claims; and the plaint shall contain a statement that such notice has been so delivered or left.

71. Rules.—(1) The Chief Commissioner of Tripura may, for the whole or any part of the Union territory and for any society or class of societies, make rules to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power such rules may—

- (a) subject to the provisions of section 6, prescribe the maximum number of shares or portion of the capital of a society which may be held by a member;
 - (b) prescribe the forms to be used and the conditions to be complied with in the making of applications for the registration of a society and the procedure in the matter of such applications;
 - (c) prescribe the matters in respect of which a society may or shall make by-laws and the procedure to be followed in making, altering and abrogating by-laws and the conditions to be satisfied prior to such making, alteration or abrogation;
 - (d) prescribe the conditions to be complied with by persons applying for admission or admitted as members and provide for the election and admission of members and the payment to be made and the interests to be acquired before the exercise of the right of membership;
 - (e) provide for ascertaining the value of a deceased member's share or interest;
 - (f) provide for general meetings of the members and for the procedure at such meetings and the powers to be exercised by such meetings;
 - (g) provide for the appointment, suspension and removal of the members of the committee and other officers for and the procedure at meetings of the committee and for the powers to be exercised and the duties to be performed by the Committee and other officers;
 - (ga) prescribe the manner of giving notice of the preliminary resolution under sub-section (2) of section 15A;
 - (h) prescribe the accounts and books to be kept by a society and provide for the audit of such accounts, and the charges, if any, to be made for such audit, and for the periodical publication of a balance sheet showing the assets and liabilities of a society;
 - (i) prescribe the returns to be submitted by a society to the Registrar and provide for the persons by whom and the form in which such returns shall be submitted;
 - (j) provide for the persons by whom and the form in which copies of documents or entries in books of societies may be certified, and for the charges to be levied for the supply of such copies;
 - (k) provide for the formation and maintenance of a register of members, and where the liability of the members is limited by shares, of a register of shares;
 - (l) prescribe the payments to be made and the conditions to be complied with by members applying for loans, and the period for which loans may be made, and the amount which may be lent to an individual member;
 - (m) prescribe the prohibitions and restrictions subject to which societies may trade or transact business with persons who are not members;
 - (n) provide for the formation and maintenance of reserve funds, and the objects to which such funds may be applied, and for the investment of any funds under the control of a society;
- * * *
- (o) prescribe the extent to which a society may limit the number of its members;
 - (p) prescribe the conditions under which profits may be distributed to the members of a society and the maximum of dividend which may be paid by societies;
 - (q) prescribe the procedure to be followed in presenting and disposing of appeals;
 - (qa) prescribe the qualifications of the members of the Tribunal;
 - (r) provide for securing that the share capital of any society shall be variable in such a way as may be necessary to secure that shares shall

- not appreciate in value and that necessary capital shall be available for the society as required;
- (s) provide that persons qualified under the by-laws of a society shall not be excluded from membership without due cause;
 - (t) prescribe the procedure to be followed by a liquidator appointed under section 47;
 - (u) prescribe the procedure to be followed in proceedings before the Registrar or his nominee and for fixing and levying the expenses of determining the dispute;
 - (v) provide for the issue and service of processes and for proof of service thereof;
 - (w) provide for the writing off of bad debts;
 - (x) regulate the manner in which funds may be raised by means of shares or debentures or otherwise;
 - (y) provide for the withdrawal and expulsion of members and for the payments to be made to them and for the liabilities of past members;
 - (z) provide for the nomination of a person to whom the interest of a deceased member may be paid or transferred;
 - (aa) prescribe the cases in which an appeal shall lie from the order of a liquidator appointed under section 47;
 - (bb) provide for the inspection of documents in the Registrar's office and the levy of fees for granting certified copies of the same;
 - (cc) prescribe the procedure to be followed for the custody of property attached under section 55;
 - (dd) provide for the payment of contribution at such rates and subject to such conditions as may from time to time be prescribed by co-operative societies to any provident fund which may be established for the benefit of officers and servants employed by them;
 - (ee) prescribe the period and terms under which Government aid may be given to co-operative societies and the terms under which the Chief Commissioner of Tripura may guarantee the payment of the principal of and interest on debentures issued by registered societies;
 - (ff) prescribe the particulars to be furnished by the persons applying for the registration of a Farming Society under section 64F;
 - (gg) prescribe the officer before whom the statements of owners referred to in section 64-G may be signed;
 - (hh) prescribe the manner in which the inquiry shall be held by the Board or the Inquiry Officer under Chapter XI;
 - (ii) prescribe the particulars to be mentioned in an Inquiry Officer's report under clause (vi) of sub-section (1) of section 64-K;
 - (jj) prescribe the manner in which the scheme shall be published otherwise than in the Tripura Gazette under sub-section (3) of section 64-L;
 - (kk) provide for any other matter which is or may be prescribed or for which no provision exists and provision is, in the opinion of the Chief Commissioner of Tripura, necessary for the purpose of carrying out a farming scheme.
 - (ll) prescribing the manner in which any property shall be delivered to, and the terms and conditions subject to which such property shall be held by, a society under section 59A.

(3) The Chief Commissioner of Tripura may, subject to such conditions, if any, as he thinks fit, delegate all or any of his powers to make rules under this section to any authority specified in the order of delegation.

(4) The power to make rules conferred by this section is subject to the condition of the rules being made after previous publication.

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72. Saving of existing societies.—(1) Every society now existing which has been registered under the Tripura Co-operative Societies Act, 1958 T.E., shall be deemed to be registered under this Act, and its by-laws shall, so far as the same are not inconsistent with the express provisions of this Act, continue in force until altered or rescinded.

(2) All appointments, rules and orders made, notifications and notices issued and suits and other proceedings instituted, under the said Act shall, so far as may be, be deemed to have been respectively made, issued and instituted under this Act.

72A. Construction of references to Tripura Co-operative Societies Act, 1958 T.E.—All references to the Tripura Co-operative Societies Act, 1958 T.E., occurring in any enactment made by any authority in India and for the time being in force in the Union territory of Tripura shall, in the application, to the said Union territory, of any such enactment, be read and construed as references to this Act and anything done or any proceeding commenced in pursuance of any such enactment on or after the date on which this Act shall have come into operation shall be deemed to have been done or to have been commenced and to have had effect as if the reference in such enactment to the Tripura State Co-operative Societies Act, 1958 T.E., had been the reference to this Act, and no such thing or proceeding shall be deemed to have been invalid on the ground that such enactment did not refer to this Act.

[No. F. 9/11/58-Judl. II (II)UTL 4.]

CORRIGENDA*New Delhi, the 20th April, 1959*

G.S.R. 466.—In the notification of the Ministry of Home Affairs, G.S.R. 373 (F. 9/11/58-Judl. II), dated the 23rd March, 1959, published at pages 436—449 of the Gazette of India, Part II—Section 3—Sub-section (i), dated the 4th April, 1959:—

- (1) at page 437, in modification 1(b), for "State (except where it occurs in the expression 'State Government')" read "State" (except where it occurs in the expression 'State Government');
- (2) at page 437, in modification 6(b), for "clause," read "clausec";
- (3) at page 443, in line 5 of section 13A, insert "or" after "money-lender";
- (4) at page 445, in line 1 of section 21(b), for "10" read "18";
- (5) at page 447, in line 1 of the explanation to section 33, for "purpose" read "purposes".

[No. F. 9/11/58-Judl II.]

K. R. PRABHU, Dy. Secy.

MINISTRY OF FINANCE**(Department of Revenue)***New Delhi, the 25th April 1959***MEDICINAL AND TOILET PREPARATIONS**

G.S.R. 467.—In exercise of the powers conferred by section 19 of the Medicinal and Toilet Preparations (Excise Duties) Act, 1955 (16 of 1955), the Central Government hereby makes the following further amendments in the Medicinal and Toilet Preparations (Excise Duties) Rules, 1956, namely:—

In the Schedule to the said Rules—

- (i) the entry "Hall's Wine", appearing under the heading "Non-Pharmacopoeial Preparations", shall be omitted; and
- (ii) all the entries, except "Vincornis", and "Biochemic Tonic", appearing under the heading "MEDICATED WINES", shall be omitted.

[No. 8.]

M. C. DAS, Dy. Secy.

(Department of Revenue)**CUSTOMS AND CENTRAL EXCISE***New Delhi the 25th April 1959*

G.S.R. 468.—The following draft of a further amendment to the Customs and Central Excise Duties Refund (Fixed Rates) Rules, 1956, which the Central Government proposes to make in exercise of the powers conferred by sub-section

(3) of section 43B of the Sea Customs Act, 1878 (8 of 1878) and section 37 of the Central Excises and Salt Act, 1944 (1 of 1944), as in force in India and as applied to the State of Pondicherry, is published as required by the said sub-section (3) of the said section 43B for the information of all persons likely to be affected thereby; and notice is hereby given that the said draft will be taken into consideration on or after the 29th May, 1959.

2. Any objection or suggestion which may be received from any person with respect to the said draft before the date so specified will be considered by the Central Government

Draft Amendment

In the said Rules,—

For the entries shown against Serial No. 2 to the First Schedule, the following entries shall be substituted, namely:—

“Crown corks—

- | | |
|--|---|
| (i) with composition cork-discs— | |
| (a) unspotted, or spotted with aluminium foil. | Five rupees and sixty naye paise per one hundred gross. |
| (b) spotted with “vinylite” or “vinyl paper.” | Seventeen rupees per one hundred gross. |
| (ii) with natural cork discs. | Twenty rupees and eighty-five naye paise per one hundred gross. |

[No. 24/F. No. 34/126/58-Cus.IV.]”

G.S.R. 469—In exercise of the powers conferred by sub-section (3) of section 43B of the Sea Customs Act, 1878 (8 of 1878) and section 37 of the Central Excises and Salt Act, 1944 (1 of 1944), as in force in India and as applied to the State of Pondicherry, the Central Government hereby makes the following further amendment in the Customs and Central Excise Duties Refund (Brand Rates) Rules, 1958, the same having been previously published as required under the said sub-section (3) of section 43B, namely:—

Amendment

In the said rules, in the First Schedule after item 19 and the entry relating thereto the following shall be inserted, namely:—

“20. Chokes for fluorescent lamps.”

[No. 25/F. No. 34/37/59-Cus.IV.]

G.S.R. 470—In exercise of the powers conferred by sub-section (3) of section 43B of the Sea Customs Act, 1878 (8 of 1878), and section 37 of the Central Excises and Salt Act, 1944 (1 of 1944), as in force in India and as applied to the State of Pondicherry, the Central Government hereby makes the following further amendment in the Customs and Central Excise Duties Refund (Brand Rates) Rules, 1958, the same having been previously published as required under the said sub-section (3) of section 43B, namely:—

Amendment

In the said rules, in the First Schedule after item 18 and the entry relating thereto the following shall be inserted, namely:—

“19. Diesel engines.”

[No. 26/F. No. 34/34/59-Cus.IV.]

G.S.R. 471—The following draft of a further amendment to the Customs and Central Excise Duties Refund (Brand Rates) Rules, 1958, and the Customs and Central Excise Duties Refund (Fixed Rates) Rules, 1958, which the Central Government proposes to make in exercise of the powers conferred by sub-section (3) of section 43B of the Sea Customs Act, 1878 (8 of 1878) and section 37 of the Central Excises and Salt Act, 1944 (1 of 1944), as in force in India and as applied to the State of Pondicherry, is published as required by the said sub-section (3) of the said section 43B for the information of all persons likely to be affected thereby; and notice is hereby given that the said draft will be taken into consideration on or after the 29th May, 1959.

2. Any objection or suggestion which may be received from any person with respect to the said draft before the date so specified will be considered by the Central Government.

Draft Amendment

In the Customs and Central Excise Duties Refund (Brand Rates) Rules, 1958 and the Customs and Central Excise Duties Refund (Fixed Rates) Rules, 1958, to rule 3, the following proviso shall be added, namely:—

“Provided that no refund shall be allowed if such goods have been taken into use after manufacture.”

[No. 27/F. No. 34/27/59-Cus.IV.]

G.S.R. 472.—The following draft of a further amendment to the Customs and Central Excise Duties Refund (Fixed Rates) Rules, 1958, which the Central Government proposes to make in exercise of the powers conferred by sub-section (3) of section 43B of the Sea Customs Act, 1878 (8 of 1878) and section 37 of the Central Excises and Salt Act, 1944 (1 of 1944), as in force in India and as applied to the State of Pondicherry, is published as required by the said sub-section (3) of the said section 43B for the information of all persons likely to be affected thereby; and notice is hereby given that the said draft will be taken into consideration on or after the 6th May, 1959.

2. Any objection or suggestion which may be received from any person with respect to the said draft before the date so specified will be considered by the Central Government.

Draft Amendment

In the First Schedule to the said Rules under serial No. 8 “Steel Products”, the following additions and amendments shall be made, namely:—

1. After the existing item 46 and the entries relating thereto the following entries shall be added;

(47). Enamelware	Rupees fifty per ton of steel content.
(48) Fabricated steel structurals	Rupees fifty per ton of steel content.
(49) Steel ghamelas and pans	Rupees fifty per ton of steel content.
(50) Steel rat traps and steel parts of rat traps.	Rupees fifty per ton of steel content.
(51) Watering cans	Rupees fifty per ton of steel content.
(52) Tinplate washers	Rupees sixty per ton of tinplate content”

2. For the existing entry shown against items (22), the following entry shall be substituted:

“(22) Steel tanks	Rupees fifty per ton of steel content”
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[No. 28/F. No. 34/51/59-Cus.IV.]

G.S.R. 473.—In exercise of the powers conferred by sub-section (3) of section 43B of the Sea Customs Act, 1878 (8 of 1878), and section 37 of the Central Excises and Salt Act, 1944 (1 of 1944), as in force in India and as applied to the State of Pondicherry, the Central Government hereby makes the following further amendment in the Customs and Central Excise Duties Refund (Fixed Rates) Rules, 1958, the same having been previously published as required under the said sub-section (3) of section 43B, namely:—

Amendment

In the said Rules,—

For the entry shown against Serial No. 1(i) to the First Schedule, the following entry shall be substituted, namely:—

“(i) if made from artificial silk yarn of below 75 deniers—

(a) that is to say, from artificial silk yarn other than artificial silk yarn

consisting entirely of cellulose derivatives or regenerated cellulose or both—

- | | |
|---|--|
| (A) less than 20 deniers | Seven rupees per pound of artificial silk yarn. |
| (B) 20 deniers and above but below 75 deniers | Four rupees and thirty naye paise per pound of artificial silk yarn. |
| (b) that is to say, from artificial silk yarn consisting entirely of cellulose derivative or regenerated cellulose or both, below 75 deniers. | Two rupees per pound of artificial silk yarn." |

[No. 29/F. No. 34/59/58-Cus.IV.]

G.S.R. 474.—The following draft of a further amendment to the Customs and Central Excise Duties Refund (Fixed Rates) Rules, 1958, which the Central Government proposes to make in exercise of the powers conferred by sub-section (3) of section 43B of the Sea Customs Act, 1878 (8 of 1878) and section 37 of the Central Excises and Salt Act, 1944 (1 of 1944), as in force in India and as applied to the State of Pondicherry, is published as required by the said sub-section (3) of the said section 43B for the information of all persons likely to be affected thereby; and notice is hereby given that the said draft will be taken into consideration on or after the 29th May, 1959.

2. Any objection or suggestion which may be received from any person with respect to the said draft before the date so specified will be considered by the Central Government.

Draft Amendment

In the said Rules, in the First Schedule after item 9 and the entry relating thereto, the following shall be inserted, namely:—

"10. Paper products, namely:—

- | | |
|--|---|
| (1) Playing cards | Seventy-three naye paise per pound. |
| (2) Carben papers— | |
| (a) carben papers in the manufacture of which imported tissue paper has been used— | |
| (i) typewriter carbon paper, black | Thirty-one rupees and fifty naye paise per one hundred boxes of hundred foolscap sheets each. |
| (ii) typewriter carbon paper, blue | Thirty rupees and seventy naye paise per one hundred boxes of hundred foolscap sheets each. |
| (iii) pencil or pen carbon paper, black | Twenty-five rupees and sixty-five naye paise per one hundred boxes of hundred foolscap sheets each. |
| (iv) pencil or pen carbon paper, blue | Twenty-five rupees and ten naye paise per one hundred boxes of hundred foolscap sheets each. |
| (b) carbon papers in the manufacture of which indigenous tissue paper has been used— | |
| (i) typewriter carbon paper, black | Eighteen rupees and seventy naye paise per one hundred boxes of hundred foolscap sheets each. |
| (ii) typewriter carbon paper, blue | Seventeen rupees and eighty-five naye paise per one hundred boxes of hundred foolscap sheets each. |
| (iii) pencil or pen carbon paper, black | Eleven rupees and eighty naye paise per one hundred boxes of hundred foolscap sheets each. |

- (iv) pencil or pen carbon paper, blue . . . Eleven rupees and twenty naye paise per one hundred boxes of hundred foolscap sheets each.
- NOTE—1. The term 'foolscap' refers to size $\frac{1}{2}$ "x13'.
2. The rate of refund on carbon papers of sizes other than foolscap will be proportionately higher or lower than the rate indicated above according as the area of such papers is higher or lower than foolscap size.
- (3) Articles in the manufacture of which the following paper or board is used:—
- (i) blotting, toilet, target, tissue, teleprinter, type-writing, manifold, bank, bond, art paper, chrome paper, tubsized paper, cheque paper, stamp paper, cartridge paper and parchment . . . Fifteen naye paise per pound of paper content.
- (ii) printing paper, writing paper, packing paper and wrapping paper. . . Ten naye paise per pound of paper content.
- (iii) millboard and strawboard . . . Five naye paise per pound of paper content.
- (iv) duplex and triplex board . . . Ten naye paise per pound of paper content.
- (v) pulpboard . . . Ten naye paise per pound of paper content.
- (vi) manila and corrugated board . . . Ten naye paise per pound of paper content.
- (vii) coated board . . . Fifteen naye paise per pound of paper content.
- (viii) paper and paper-board other than the foregoing. . . Fifteen naye paise per pound of paper content."

[No. 30/F. No. 34/67/58—Cus. IV]

CUSTOMS

G.S.R. 475.—The following draft of an amendment in the Customs Duties Drawback (Gold Jewellery) Rules, 1957, which the Central Government proposes to make in exercise of the powers conferred by sub-section (3) of section 43B of the Sea Customs Act, 1878 (8 of 1878), as in force in India and as applied to the State of Pondicherry, is published as required by the said sub-section (3) of the said section, for the information of all persons likely to be affected thereby; and notice is hereby given that the said draft will be taken into consideration on or after the 29th May, 1959.

Any objection or suggestion which may be received from any person with respect to the said draft before the date so specified will be considered by the Central Government.

Draft Amendment

"In rule 2 of the said Rules clause (e) shall be deleted and clause (f) renumbered as clause (e)".

[No. 78/F. No. 34/15/59-Cus.IV.]

G.S.R. 476.—In exercise of the powers conferred by sub-section (1) of section 43B of the Sea Customs Act, 1878 (8 of 1878), as in force in India and as applied to the State of Pondicherry, the Central Government hereby makes the following further amendment in the notification of the Government of India, in the Ministry of Finance (Department of Revenue) No. 296-Customs, dated the 6th December, 1958, namely:—

In the Schedule to the said notification, after entry 75, the following entry shall be added, namely:—

"76. Polo Sticks."

[No. 79/F. No. 34/95/57-Cus.IV.]

G.S.R. 477.—In exercise of the powers conferred by sub-section (3) of section 43B of the Sea Customs Act, 1878 (8 of 1878), as in force in India and as applied to the State of Pondicherry, the Central Government hereby makes the following

rules the same having been previously published as required under the said sub-section (3), namely:—

THE CUSTOMS DUTIES DRAWBACK (POLO STICKS) RULES, 1959

1. Short title.—These rules may be called the Customs Duties Drawback (Polo Sticks) Rules, 1959.

2. Definitions.—In these rules, unless the context otherwise requires,—

- (a) "Act" means the Sea Customs Act, 1878 (8 of 1878);
- (b) "Chief Customs Officer" means the Chief Customs Officer of the port at which a registered manufacturer imports the imported material for the manufacture of the goods;
- (c) "goods" means polo sticks which are manufactured in India or the State of Pondicherry by a registered manufacturer, and in the manufacture of which imported material has been used;
- (d) "imported material" means polo canes, other than those produced in Burma or Pakistan, which are imported by a manufacturer into India or the State of Pondicherry on payment of customs duty;
- (e) "registered manufacturer" means a manufacturer of goods registered under rule 4.

3. Goods in respect of which drawback may be paid.—Subject to the provision of the Act and these rules, a drawback shall be allowed in respect of the imported material used in the manufacture of the goods exported from India or the State of Pondicherry.

4. Registration of manufacturers.—(1) A manufacturer of goods desirous of claiming drawback under these rules on their export, shall make an application for registration as a registered manufacturer, to the Chief Customs Officer, furnishing full particulars of the polo canes imported by him since the first day of July, 1958.

(2) The Chief Customs Officer may, if he is satisfied that the provisions of these rules have been complied with, register the applicant as a registered manufacturer under and for the purposes of, these rules.

(3) The Customs Collector may require every registered manufacturer to have particulars of all his imports of polo canes entered in a register specially maintained in the Custom House for this purpose.

5. Rate of drawback.—The rate of drawback admissible under these rules on the shipment of the goods shall be rupees forty-six per one hundred polo sticks.

6. Conditions for drawback.—Drawback shall be allowed on the shipment of the goods from any port in India or the State of Pondicherry subject to the following conditions, namely:—

- (1) that the exporter shall, on the shipping bill, declare that a claim for drawback under section 43B of the Act is being made;
- (2) that the exporter shall furnish the Customs Collector with a copy of the shipment invoice or any other document giving details of the description, quantity and value of the goods shipped;
- (3) that the exporter,—
 - (i) if he is himself the registered manufacturer, shall state the particulars of his registration, on the shipping bill;
 - (ii) if he be a person other than the registered manufacturer, shall produce before the Customs Collector at the time of shipment of the goods, a declaration from the registered manufacturer to the effect that the goods have been manufactured by him and also such other proof as the Customs Collector may require to satisfy himself that the goods have been so manufactured; and
- (4) that the manufacturer of goods has, prior to the shipment of the goods registered himself as a registered manufacturer and, has, since the first day of October, 1958, imported polo canes and that drawback in respect of polo canes is not claimed by the registered manufacturer, including an exporter of his goods, after the coming into force of these rules, in respect of polo canes in excess of the number imported by him since the first day of October, 1958.

7. Powers of Customs Collector.—Whenever the Customs Collector considers necessary, the manufacturer shall give access at all reasonable times, to any officer of the Central Government specially authorised in this behalf by the Customs Collector, to every part of the premises in which the goods are manufactured, and to the premises in which the manufacturing accounts are kept, so as to enable the officer so authorised to verify by inspection of the process of, and the materials used for, the manufacture of such goods, and also by scrutiny of the manufacturing accounts, the admissibility of the goods for drawback, or for a particular rate of drawback, under these rules.

[No. 80/F. No. 34/95/57-Cus.IV.]

G.S.R. 478.—In exercise of the powers conferred by sub-section (3) of section 43B of the Sea Customs Act, 1878 (8 of 1878), as in force in India and as applied to the State of Pondicherry, the Central Government hereby makes the following further amendment in the Customs Duties Drawback (Fixed Rates) Rules, 1958, the same having been previously published as required under the said sub-section (3), namely:—

Amendment

In the First Schedule to the said Rules, for the existing item 10 and the entries relating thereto, the following shall be substituted, namely:—

"10. Cough syrups	per one hundred grams of the following ingredients contained in the cough syrup :—
Balsam tolu	Eighty naye paise.
Menthol	One rupee and twenty-eight naye paise.
Potassium antimony tartarate.	Thirty one naye paise.
Potassium sulphoguaicolate	Fifty-five naye paise.
Terpene hydrate	Twenty-six naye paise."

[No. 81/F. No. 34/20/58-Cus.IV.]

G.S.R. 479.—In exercise of the powers conferred by sub-section (3) of section 43B of the Sea Customs Act, 1878 (8 of 1878), as in force in India and as applied to the State of Pondicherry, the Central Government hereby makes the following further amendment in the Customs Duties Drawback (Fixed Rates) Rules, 1958, the same having been previously published as required under the said sub-section (3), namely:—

Amendment

In the First Schedule to the said Rules, for the existing item 6 and the entries relating thereto, the following shall be substituted, namely:—

"6. Jute manufactures—

(i) Hessian	One rupee and seventy naye paise per ton.
(ii) Sacking	Two rupees and fifty-five naye paise per ton.

Provided that no drawback shall be admissible on fractions of a ton of hessian or sacking forming part of a shipment."

[No. 82/F. No. 34/39/59-Cus.IV.]

G.S.R. 480.—In exercise of the powers conferred by sub-section (3) of section 43B of the Sea Customs Act, 1878 (8 of 1878), as in force in India and as applied to the State of Pondicherry, the Central Government hereby makes the following further amendment in the Customs Duties Drawback (Brand Rates) Rules, 1958, the same having been previously published as required under the said sub-section (3), namely:—

Amendment

In the said rules, the entry against Serial No. 2 of the First Schedule shall be deleted.

[No. 83/F. No. 34/37/59-Cus.IV.]

G.S.R. 481.—In exercise of the powers conferred by sub-section (3) of section 43B of the Sea Customs Act, 1878 (8 of 1878), as in force in India and as applied to the State of Pondicherry, the Central Government hereby makes the following further amendment in the Customs Duties Drawback (Brand Rates) Rules, 1958, the same having been previously published as required under the said sub-section (3), namely:—

Amendment

In the said rules, the entry against Serial No. 8 of the First Schedule shall be deleted.

[No. 84/F. No. 34/34/59-Cus.IV.]

G.S.R. 482.—The following draft of a further amendment in the Customs Duties Drawback (Brand Rates) Rules, 1958, and in the Customs Duties Drawback (Fixed Rates) Rules, 1958, which the Central Government proposes to make in exercise of the powers conferred by sub-section (3) of section 43B of the Sea Customs Act, 1878 (8 of 1878), as in force in India and as applied to the State of Pondicherry, is published as required by the said sub-section (3) of the said section, for the information of all persons likely to be affected thereby; and notice is hereby given that the said draft will be taken into consideration on or after the 29th May, 1959.

Any objection or suggestion which may be received from any person with respect to the said draft before the date so specified will be considered by the Central Government.

Draft Amendment

In the Customs Duties Drawback (Brand Rates) Rules, 1958 and in the Customs Duties Drawback (Fixed Rates) Rules, 1958, to rule 3, the following proviso shall be added, namely:—

“Provided that no such drawback shall be allowed if such goods have been taken into use after manufacture.”

[No. 85/F. No. 34/27/59-Cus.IV.]

G.S.R. 483.—The following draft of a further amendment in the Customs Duties Drawback (Fixed Rates) Rules, 1958, which the Central Government proposes to make in exercise of the powers conferred by sub-section (3) of section 43B of the Sea Customs Act, 1878 (8 of 1878), as in force in India and as applied to the State of Pondicherry, is published as required by the said sub-section (3) of the said section, for the information of all persons likely to be affected thereby; and notice is hereby given that the said draft will be taken into consideration on or after the 29th May, 1959.

Any objection or suggestion which may be received from any person with respect to the said draft before the date so specified will be considered by the Central Government.

Draft Amendment

In the First Schedule appended to the said rules, the entries against Serial Nos. 9, 15 and 19 shall be omitted.

[No. 86/F. No. 34/67/58-Cus.IV.]

G.S.R. 484.—In exercise of the powers conferred by sub-section (1) of section 43B of the Sea Customs Act, 1878 (8 of 1878), as in force in India and as applied to the State of Pondicherry, the Central Government hereby makes the following further amendment in the notification of the Government of India, in the Ministry of Finance (Department of Revenue) No. 296-Customs, dated the 6th December, 1958, namely:—

In the Schedule to the said notification, after entry 76, the following entry shall be added, namely:—

“77 Microgroove records.”

[No. 87/F. No. 34/272/58-Cus.IV.]

G.S.R. 485.—In exercise of the powers conferred by sub-section (3) of section 43B of the Sea Customs Act, 1878 (8 of 1878), as in force in India and as applied to the State of Pondicherry, the Central Government hereby makes the following further amendment in the Customs Duties Drawback (Brand Rates) Rules, 1958,

the same having been previously published as required under the said sub-section (3), namely:—

Amendment

In the said rules, in the First Schedule, after item 16 and the entry relating thereto, the following shall be inserted, namely:—

“17. Microgroove records.”

[No. 88/F. No. 34/272/58-Cus.IV.]

M. A. RANGASWAMY, Dy. Secy.

MINISTRY OF COMMERCE & INDUSTRY

(Department of Company Law Administration)

New Delhi, the 14th April 1959

G.S.R. 486.—In exercise of the powers conferred by the proviso to sub-section (i) of section 594 of the Companies Act, 1956 (1 of 1956), and in partial modification of the notification of the Government of India in the Ministry of Finance (Department of Company Law Administration) S.R.O. 3216, dated the 4th October, 1957, the Central Government hereby directs that the requirements of clause (a) to sub-section (i) of the said section shall apply to each of the Associations, namely the Methodist Missionary Trust Association and the Wesleyan Methodist Missionary Trust Association (hereinafter referred to as the company), being a foreign company subject to the following exemptions and modifications, namely:—

It shall be deemed sufficient compliance of the provisions of clause (a) of sub-section (1) of the said section 594, if in respect of the financial years ending on or after the 31st December, 1956, the company submits to the appropriate Registrar of Companies in India, in triplicate,—

- (a) a copy of the authenticated balance sheet and profit and loss account (including documents relating to every subsidiary of the Company) or a statement of income and expenditure or a certificate in lieu thereof as are submitted by the company to the prescribed authority in the country of incorporation under the provisions of the law in that country;
- (b) a certificate signed by two directors of the company or by the person authorised to accept service of process in India under clause (d) of sub-section (1) of section 592 of the Companies Act, 1956, to the effect that during the period covered by the accounts, certificate etc., referred to in clause (a) above, the company did not have any assets and liabilities on its own account in India and that it did not carry on any activities in India other than acting as and allowing its name being used as trustee for the Methodist Missionary Society or as the case may be the Wesleyan Methodist Missionary Society and for other bodies whether incorporated or otherwise with objects similar to those of the said Society; and
- (c) a list as signed in clause (b) above, of the properties movable and immovable held by the company in India, as on the date on or with reference to which the statements, certificate etc. referred to in clause (a) are prepared, in trust for the Methodist Missionary Society or as the case may be the Wesleyan Methodist Missionary Society or other like bodies, whether incorporated or otherwise.

[No. F. 15/19/58-PR.]

T. S. MENON, Under Secy.

MINISTRY OF WORKS, HOUSING AND SUPPLY

New Delhi, the 14th April 1959

G.S.R. 487.—The following draft of a further amendment to the Explosives Rules, 1940, which the Central Government proposes to make in exercise of the powers conferred by section 5 of the Indian Explosives Act, 1884 (4 of 1884), is published as required by section 18 of the said Act, for the information of all persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration on or after the 15th May, 1959.

Any objection or suggestion which may be received from any person with respect to the said draft before the date so specified will be considered by the Central Government.

{ Draft Amendment

In the said rules in clause (ii) of rule 35, for the figures '6000' the figures '8000' shall be substituted

[No. S&PII-3(3)/59.]

M. N. KALE, Under Secy.

(Central Boilers Board)

New Delhi, the 16th April 1959

G.S.R. 488.—The following draft of a further amendment to the Indian Boiler Regulations, 1950, which the Central Boilers Board proposes to make in exercise of the power conferred by section 28 of the Indian Boilers Act, 1923 (5 of 1923), is published as required by sub-section (1) of section 31 of the said Act, for the information of all persons likely to be affected thereby; and notice is hereby given that the said draft will be taken into consideration on or after the 30th June, 1959.

Any objection or suggestion which may be received from any person with respect to the said draft before the date so specified will be considered by the Central Boilers Board. Such objections or suggestions should be addressed to the Secretary, Central Boilers Board, Ministry of Works, Housing and Supply, North Block, New Delhi.

{ Draft Amendment

In the said Regulations—

(1) in regulation 2, after clause (d) the following Clause shall be inserted, namely,—

“(dd) “Competent Authority” means an authority recognised by the Central Boilers Board as competent to issue certificates to welders for the purposes of Regulation 4(b) (ii)”.

(2) in regulation 4, clause (b) shall be renumbered as sub-clause (i) thereof and after sub-clause (i) as so renumbered the following sub-clause shall be inserted namely,—

“4(b)(ii) Welders engaged in site welding of boilers, steam-pipes, economisers and superheaters shall possess and produce to the satisfaction of the Chief Inspector of the Welders Performance Qualification Certificate issued by a Competent Authority”.

[No. S&P. II/BL-304(16)/55.]

New Delhi, the 15th April 1959

G.S.R. 489.—The following draft of a further amendment to the Indian Boiler Regulations, 1950, which the Central Boilers Board proposes to make in exercise of the power conferred by section 28 of the Indian Boilers Act, 1923 (5 of 1923), is published as required by sub-section (1) of section 31 of the said Act, for the information of all persons likely to be affected thereby; and notice is hereby given that the said draft will be taken into consideration on or after the 30th June, 1959.

Any objection or suggestion which may be received from any person with respect to the said draft before the date so specified will be considered by the Central Boilers Board. Such objection or suggestion should be addressed to the Secretary, Central Boilers Board, Ministry of Works, Housing and Supply, North Block, New Delhi.

Draft Amendment

In the said Regulations,—

1. in Regulation 281, the following words and figures shall be added at the end, namely:—

“For Electrode Boilers, see Regulation 437”;

2. in Regulation 437, the following sentence shall be added at the end, namely:—

“If an Electrode boiler is fitted with a magnetic valve, the said valve will be accepted in lieu of the 2nd Safety valve, provided the source of powers supply to both the valve and the boiler is the same and both are operated by one single switch.”

[No. S&P. II/BL-9(8)/58.]

G.S.R. 490.—The following draft of a further amendment to the Indian Boiler Regulations, 1950, which the Central Boilers Board proposes to make in exercise of the power conferred by section 28 of the Indian Boilers Act, 1923 (5 of 1923), is published as required by sub-section (1) of section 31 of the said Act, for the information of all persons likely to be affected thereby; and notice is hereby given that the said draft will be taken into consideration on or after the 30th June, 1959.

Any objection or suggestion which may be received from any person with respect to the said draft before the date so specified will be considered by the Central Boilers Board. Such objection or suggestion should be addressed to the Secretary, Central Boilers Board, Ministry of Works, Housing and Supply, North Block, New Delhi.

Draft Amendment

In the said Regulations,

in clause (d) of regulation 376, the following sentence shall be added at the end, namely:—

“In the case of boilers fitted with welded pipe work, their effective disconnection from other boilers may be made by fitting vent pipes on the pipe work. The vent pipes which shall have bolted on flanges and not less than 2" bore shall be fitted on the pipe lengths between the boiler stop valve and the intermediate stop valve and between feed check valve and the intermediate check valve. Disconnection of the boiler from the others shall be effected by closing valves on either side of the vent pipes and then removing the blank flanges from the vent pipes”.

[No. S&P. II/BL-9(18)/58-Part I.]

G.S.R. 491.—The following draft of a further amendment to the Indian Boiler Regulations, 1950, which the Central Boilers Board proposes to make in exercise of the power conferred by section 28 of the Indian Boilers Act, 1923 (5 of 1923), is published as required by sub-section (1) of section 31 of the said Act, for the information of all persons likely to be affected thereby; and notice is hereby given that the said draft will be taken into consideration on or after the 30th June, 1959.

Any objection or suggestion which may be received from any person with respect to the said draft before the date so specified will be considered by the Central Boilers Board. Such objection or suggestion should be addressed to the Secretary, Central Boilers Board, Ministry of Works, Housing and Supply, North Block, New Delhi.

Draft Amendment

In the said Regulations, in clause (b) of regulation 151, the following sentences shall be added at the end, namely:—

“Tubes above 5" diameter may also be welded provided they are located outside the furnace. Such welds must conform to the requirements of Chapter VIII”.

[No. S&P. II/BL-9(25)/58.]

G.S.R. 492.—The following draft of a further amendment to the Indian Boiler Regulations, 1950, which the Central Boilers Board proposes to make in exercise of the power conferred by section 28 of the Indian Boilers Act, 1923 (5 of 1923), is published as required by sub-section (1) of section 31 of the said Act, for the information of all persons likely to be affected thereby; and notice is hereby given that the said draft will be taken into consideration on or after the 30th June, 1959.

Any objection or suggestion which may be received from any person with respect to the said draft before the date so specified will be considered by the Central Boilers Board. Such objection or suggestion should be addressed to the Secretary, Central Boilers Board, Ministry of Works, Housing and Supply, North Block, New Delhi.

Draft Amendment

In the said Regulations, for clause (c) of regulation 316 the following clause shall be substituted, namely:—

“(c) Wedge type valves, the sealing surfaces of which are solidly connected with the wedge, shall not be permitted for steam service.”

[No. S&P. II/BL-9(26)/58.]

G.S.R. 493.—The following draft of a further amendment to the Indian Boiler Regulations, 1950, which the Central Boilers Board proposes to make in exercise of the power conferred by section 28 of the Indian Boilers Act, 1923 (5 of 1923), is published as required by sub-section (1) of section 31 of the said Act, for the information of all persons likely to be affected thereby; and notice is hereby given that the said draft will be taken into consideration on or after the 30th June, 1959.

Any objection or suggestion which may be received from any person with respect to the said draft before the date so specified will be considered by the Central Boilers Board. Such objection or suggestion should be addressed to the Secretary, Central Boilers Board, Ministry of Works, Housing and Supply, North Block, New Delhi.

Draft Amendment

In the said Relations:—

For clause (b) of regulation 348 the following clause shall be substituted, namely:—

“(b) On completion of any work, which involves heating, whether for lap welding of the joint, hot bending of the pipe or for any other similar purpose, the pipe shall be carefully annealed.”

[No. S&P. II/BL-9(28)/58.]

M. N. KALE, Secy.

MINISTRY OF TRANSPORT & COMMUNICATIONS

(Department of Communications)

New Delhi, the 20th April, 1959

G.S.R. 494.—In exercise of the powers conferred by the proviso to Article 309 of the Constitution, the President hereby makes the following rules for regulating the recruitment to the post of Mazdoor in the Telecommunication Research Centre of the Posts & Telegraphs Directorate, namely:—

1. *Short title.*—These rules may be called the Posts and Telegraphs Directorate Telecommunication Research Centre (Mazdoors' Recruitment) Rules, 1959.

2. *Application.*—These rules shall apply to recruitment to the post of Mazdoor.

3. *Classification and scale of pay.*—The classification of the post and scale of pay attached to it shall be as specified in items 2 and 3 of the Schedule to these rules.

4. *Method of recruitment.*—The age limits and the qualifications for recruitment to the post aforesaid, the method of recruitment and other matters relating thereto shall be as specified in items 4 and 5 of the schedule aforesaid.

SCHEDULE

- | | |
|--|--|
| 1. Name of post | Mazdoor |
| 2. Its classification (whether gazetted or non-gazetted) | General Central Service, Class IV (Non-gazetted) |
| 3. Scale of pay | Rs. 30-1-35 |
| 4. Percentage of posts to be filled by : | |
| (i) Direct recruitment | Cent per cent |
| (ii) Promotion | Nil |
| (iii) Transfer | Nil |

5. For direct recruitment only :

(a) Age limits :

18 to 25 with such relaxations in respect of the maximum age limit for candidates belonging to Scheduled Castes, Scheduled Tribes, Displaced Persons and such other categories, as the Govt. of India may from time to time prescribe.

(b) Educational and other Qualifications required : Candidates should be semi-skilled craftsmen and must have assisted an experience mechanic in any one of the following trades:

- (i) Electrical wiring;
- (ii) Radio servicing;
- (iii) Electrical machinery repair like armature windings;
- (iv) Fitting work with hand tools;
- (v) Work-shop practice.

(c) Period of probation/trial, if any: One year.

NOTE:—No male candidate who has more than one wife living and no female candidate who has married a person having already a wife living shall be eligible for appointment to these posts; provided that the Government of India may, if it is satisfied that there are special grounds for doing so, exempt any such candidate from the operation of this rule.

(Department of Communications & Civil Aviation)

New Delhi, the 20th April, 1959

G.S.R. 495.—In exercise of the powers conferred by the proviso to article 309 of the Constitution, the President is pleased to make the following rules for recruitment to the post of painters in the Posts and Telegraphs Department namely:—

1. **Short Title.**—These rules may be called the Posts and Telegraphs Department (Painters) Recruitment Rules, 1959.
2. **Classification and Scale of pay.**—The classification of the post and the scale of pay attached to it shall be as specified in columns 2 and 3 of the Schedule to these rules.
3. **Recruitment etc.**—The age limit, the qualification for recruitment, the method of recruitment and other matters relating to the said post shall be as specified in columns 5 to 9 of the said Schedule.

SCHEDULE

Name of Cadre	Classification	Scale of Pay	Scope of Service	Method of recruitment whether by direct recruitment or by promotion or transfer and percentages of the vacancies to be filled by various methods	Age Limit	Educational and other qualifications required	Period of probation trial, if any	Method of Selection
1	2	3	4	5	6	7	8	9
Painters.	General Central Service Class III Non-gazetted and non-ministerial.	40-2-60-5/2-75	Ordinarily to work in the office/Division for which they are recruited but in the interest of service may be required to serve any where in India.	By direct recruitment through the Employment Exchange, and if no suitable candidates are nominated by the Exchange, the posts to be filled by advertisement.	18-25 years on the 1st Jan. of the year of recruitment.	Candidates should be literate. Preference will be given to those who have passed the Middle School (8th) standard. Not less than 2 years experience is necessary in the trade.	One year	By a Board consisting of the appointing authority and one gazetted officer. The Board if necessary will subject the candidates to a practical test to judge their suitability. Candidates will be selected to the extent of the number of vacancies available.

NOTE 1.—Maximum age limit is relaxable in the case of Scheduled Caste and Scheduled Tribes candidates, displaced persons and other categories of persons in accordance with the orders issued by the Government of India from time to time.

NOTE 2.—No male candidate who has more than one wife living or a female candidate who has married a person having already a wife living shall be eligible for appointment; provided that the Government of India after being satisfied that there are special grounds for doing so may exempt any such candidate from the operation of this rule.

[No. 50/27/57-NCG.]

G.S.R. 496.—In exercise of the powers conferred by the proviso to article 309 of the Constitution, the President is pleased to make the following rules for recruitment to the post of Carpenters in the Posts and Telegraphs Department namely:—

1 **Short Title.**—These rules may be called the Posts and Telegraphs Department (Carpenters) Recruitment Rules, 1959.

2 **Classification and Scale of pay.**—The classification of the post and the scale of pay attached to it shall be as specified in columns 2 and 3 of the Schedule to these rules.

3 **Recruitment etc.**—The age limit, the qualification for recruitment, the method of recruitment and other matters relating to the said post shall be as specified in columns 5 to 9 of the said Schedule.

SCHEDULE

Name of Cadre	Classification	Scale of Pay	Scope of Service	Method of recruitment whether by direct recruitment or by promotion or transfer and percentages of the vacancies to be filled by various methods	Age Limit	Educational and other qualifications required.	Period of probation trial, if any	Method of Selection
1	2	3	4	5	6	7	8	9
Carpenters.	General Central Service Class III Non-gazetted and non-ministerial.	40-2-60- 5/2-75	Ordinarily to work in the office/Division for which they are recruited but in the interest of service may be required to serve any where in India.	By direct recruitment through the Employment Exchange, and if no suitable candidates are nominated by the Exchange, the posts to be filled by advertisement.	18-25 years on the 1st Jan. of the year of recruitment.	Candidates should be literate. Preference will be given to those who have passed the Middle School (8th) standard. Not less than 2 years experience is necessary in the trade.	One year	By a Board consisting of the appointing authority and one gazetted officer. The Board if necessary will subject the candidates to a practical test to judge their suitability. Candidates will be selected to the extent of the number of vacancies available.

NOTE 1.—Maximum age limit is relaxable in the case of Scheduled Caste and Scheduled Tribes candidates, displaced persons and other categories of persons in accordance with the orders issued by the Government of India from time to time.

NOTE 2.—No male candidate who has more than one wife living or a female candidate who has married a person having already a wife living shall be eligible for appointment; provided that the Government of India after being satisfied that there are special grounds for doing so may exempt any such candidate from the operation of this rule.

[No. 50/27/57-NCG.]

G.S.R. 497.—In exercise of the powers conferred by the proviso to article 309 of the Constitution, the President is pleased to make the following rules for recruitment to the post of Cycle Mechanics in the Posts and Telegraphs Department, namely:—

1. **Short Title.**—These rules may be called the Posts and Telegraphs Department (Cycle Mechanics) Recruitment Rules, 1959.

2. **Classification and Scale of pay.**—The classification of the post and the scale of pay attached to it shall be as specified in columns 2 and 3 of the Schedule to these rules.

3. **Recruitment etc.**—The age limit, the qualification for recruitment, the method of recruitment and other matters relating to the said post shall be as specified in columns 5 to 9 of the said Schedule.

SCHEDULE

Name of Cadre	Classification	Scale of Pay	Scope of Service	Method of recruitment whether by direct recruitment or by promotion or transfer and percentages of the vacancies to be filled by various methods	Age Limit	Educational and other qualifications required	Period of probation trial, if any	Method of Selection
1	2	3	4	5	6	7	8	9
Cycle: Mechanics	General Central Service Class III Non-gazetted and non-ministerial.	40-2-60-5/2-75	Ordinarily to work in the office/Division for which they are recruited but in the interest of service may be required to serve any where in India.	By direct recruitment through the Employment Exchange, and if no suitable candidates are nominated by the Exchange, the posts to be filled by advertisement.	18-25 years on the 1st Jan. of the year of recruitment.	Candidates should be literate. Preference will be given to those who have passed the Middle School (8th) standard. Not less than 2 years experience is necessary in the trade.	One year	By a Board consisting of the appointing authority and one gazetted officer. The Board if necessary will subject the candidates to a practical test to judge their suitability. Candidates will be selected to the extent of the number of vacancies available.

NOTE 1.—Maximum age limit is relaxable in the case of Scheduled Caste and Scheduled Tribes candidates, displaced persons and other categories of persons in accordance with the orders issued by the Government of India from time to time.

NOTE 2.—No male candidate who has more than one wife living or a female candidate who has married a person having already a wife living shall be eligible for appointment; provided that the Government of India after being satisfied that there are special grounds for doing so may exempt any such candidate from the operation of this rule.

[No. 50/27/57-NCG.]
B. G. DESHMUKH, Under Secy.

(Department of Transport)

(Transport Wing)

PORTS

New Delhi, the 20th April, 1959

G.S.R. 498.—The following draft of certain rules, which the Central Government proposes to make, in exercise of the powers conferred by clause (b) of sub-section (1) of section 6 of the Indian Ports Act, 1908 (15 of 1908) is pre-published, as required by sub-section (2) of the said section, for the information of all persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration on or after the 11th May 1959.

Any objections or suggestions which may be received by the Central Government with respect to the said draft before the date specified will be considered by the Central Government.

DRAFT RULES

1. **Short title.**—These rules may be called the Calcutta Port (Haldia Anchorage) Rules 1959.

2. **Haldia to be anchorage.**—The area within the limits specified in the Schedule shall be known as the Haldia anchorage and be used by vessels for loading and unloading of cargo.

3. **User with approval of Port Commissioners.**—The approval of the Commissioners for the Port of Calcutta shall be necessary for using the anchorage as specified in Rule 2.

THE SCHEDULE*Anchorage at Haldia*

Haldia Anchorage, situated off the right bank of the Hooghly River in the vicinity of the outfall of the Haldia River about 56½ nautical miles down-stream of Calcutta, and defined as follows:—

On the North.—A line drawn across the River Hooghly with Balari Tower (Latitude 22°-02'—51.9" N Longitude 88°-07'—19.4"E) bearing 330°

On the South.—A line drawn across the River Hooghly with old Mud Point Telegraph Office (Latitude 21°-55'—22.1" N Longitude 88°-07'—19.4" E) bearing 136°.

On the East.—The 12 ft. contour on the eastern edge of Haldia channel.

[No. 9-PDI(150)/58.]

K. NARAYANAN, Dy. Secy.

(Department of Transport)

(Transport Wing)

New Delhi, the 16th April 1959

G.S.R. 499.—In exercise of the powers conferred by the proviso to Article 309 of the Constitution, the President hereby makes the following rules for recruitment to certain non-gazetted posts in the Directorate of Marine Engineering Training, Calcutta/Bombay:—

1. **Short title and application.**—(1) These rules may be called the Directorate of Marine Engineering Training (Non-gazetted staff) Recruitment Rules, 1959.

They shall apply to the categories of posts in the Directorate of Marine Engineering Training, Calcutta/Bombay, specified in the Schedule to these rules.

2. **Appointment.**—Appointment to the different categories shall be made by direct recruitment or promotion or transfer as shown in the Schedule to these rules.

3. **Direct Recruitment.**—(1) Any person who has completed the age of 18 years but not 25 years and who possesses the prescribed qualifications shall be eligible for direct recruitment. In the case of the posts of Power House Fireman, Machine Tool Instructor, Electrical Charge Hand, Turbine Attendant, Boiler Attendant, Diesel Attendant, Electrician, Plumber and Carpenter the upper age limit shall be 30 years.

(2) The upper age limit specified in sub-rule (1) shall be subject to the usual relaxations prescribed by Government of India for persons belonging to the Scheduled Castes and Scheduled Tribes, displaced persons, retrenched and demobilised personnel and other excepted categories in accordance with the orders issued from time to time.

(3) The age limit may in appropriate cases be relaxed by the Director General of Shipping, Bombay.

4. **Probation.**—Every person directly recruited shall be on probation for a period of six months.

5. **Promotions.**—(1) Every promotion under these rules shall be made by the Departmental Promotion Committee set up for the Directorate of Marine Engineering Training:

Provided that the authority competent to make the appointment to a post may promote a candidate to that post temporarily for a period not exceeding three months; but such promotion shall not entitle the person so promoted to any preferential claim to that post.

(2) Where the posts are to be filled up by Promotion/transfer, the selection shall be restricted to permanent and quasi-permanent employees. If, however, qualified permanent or quasi-permanent employees are not available, temporary employees who are otherwise eligible, may also be considered for appointment to such posts.

6. **General.**—(1) Appointments to the posts by direct recruitment shall be subject to the orders regarding special representation in services of Scheduled Castes and Tribes candidates issued by the Government of India from time to time.

(2) No male candidate who has more than one wife living and no female candidate who has married a person having already a wife living shall be eligible for appointment to any post under these rules unless Government specially exempt such a candidate from the operation of this rule.

SCHEDULE

Recruitment Rules for Class III and Class IV Posts in the

Sl. No.	Name of post.	Classification of post.	Whether selection or non-selection post.	Scale of pay	Whether appointment is to be made by direct recruitment or by promotion or by transfer.	Sources of promotion or transfer.
1	2	3	4	5	6	7
1	Superintendent	Class III (Ministerial)	Selection	Rs. 250-15-400	Normally by promotion or transfer.	Promotion from amongst U.D.Cs. in D.M.E.T. Transfer: By transfer of the accountant in D. M. E. T. or Head Clerk, Deputy Supdt., or U. D. C. from an other Central Govt. Office.
2	Warden	Class III (Non-Ministerial)	Does not arise	Rs. 160-10-250	Direct recruitment failing which by transfer.	Transfer from other Central Government Offices.
3	Physical training Instructor-cum-Warden	Class III (Non-Ministerial)	Does not arise.	Rs. 160-10-250	By direct recruitment failing which by transfer.	Transfer from other Central Government Offices.
4	Accountant	Class III (Ministerial)	Selection	Rs. 160-10-250	Normally by promotion or transfer.	Promotion: From amongst U. D. Cs. and the accounts clerk or by direct recruitment.
5	Accounts Clerk	Class III (Ministerial)	Selection	Rs. 80-5-120-E.B.— 8-200-10/2-220	Normally by promotion or transfer.	Promotion from L.D. Cs. or transfer from other Central Government Offices preferably accounts offices.
6	Personal Assistant.	Class III (Ministerial)	Selection	Rs. 80-5-120-E.B.— 8-200-10/2-220	Normally by promotion or transfer.	Promotion of Stenotypist or transfer of L. D. C. in the D M E T. or transfer from other Central Government Offices.
7	Cashier	Class III (Ministerial)	Selection	Rs. 80-5-120-E.B.— 8-200-10/2-220	Normally by promotion or transfer failing which by direct recruitment.	Promotion from L.D.Cs. or transfer from other Central Government Offices.
8	Laboratory Assistant.	Class III (Non-Ministerial)	Does not arise.	Rs. 80-5-120-E.B.— 8-200-10/2-220	By direct recruitment or failing which by transfer.	Transfer of L.D.Cs. in the D.M.E.T. or transfer from other Central Government Offices.

Directorate of Marine Engineering Training, Calcutta/Bombay.

Proportion to be adopted when recruitment is made directly and by promotion		Minimum qualifications for appointment by direct recruitment.	Minimum qualifications for appointment by promotion or transfer	If the Departmental promotion Committee exists for appointment by promotion composition thereof	Remarks.
Percentage of:					
Promotion	Direct recruitment				
8	9		10	11	12
100	..	Degree of a recognised University (Relaxable in case of permanent Government servants) with at least six year's office experience.	Matriculation (or equivalent qualification) with ten year's experience in a Government Office.	Director and Deputy Director of Marine Engineering Training.	Direct recruitment or transfer will be resorted to only when no suitable candidate is available among the staff.
..	100	Degree of a recognised University with two years' experience in hostel superintendence and proficiency in organisational activities games and accounts.	As in Column (9)		
..	100	Matriculation (or equivalent qualification) and Diploma in physical Culture from a recognised Institute and proficiency in games and some knowledge of accounts. Or Matriculation (or equivalent qualification) and experience as J.C.O. (not lower in rank than a Jamadar or C.P.O. in the Navy) for a period of three years with proficiency in games organisational activities and some knowledge of accounts.	As in column (9)		
100	..	Degree of a recognised University, preference being given to persons with knowledge of accounts.	Matriculation (or equivalent qualification) in the case of permanent clerks or cashier with sufficient experience in accounts work.	Director and Deputy Director of Marine Engineering Training.	Direct recruitment or transfer will be resorted to only when no suitable candidate is available among the staff for promotion.
100	..	Degree of a recognised University, preference being given to persons with knowledge of accounts.	Matriculation (or equivalent qualification) in the case of permanent clerks with sufficient experience in accounts work.	Do.	Direct recruitment or transfer will be resorted to only when no suitable candidate is available among the staff.
100	..	Matriculation (or equivalent qualification) with speed of 40 words per minute in typewriting and 80 words per minute in shorthand.	As in column (9)	Do.	Direct recruitment or transfer from other Central Govt. officers will be resorted to only when no suitable candidate is available among the staff.
100	..	Degree of a recognised University.	Matriculation (or equivalent qualification) with previous experience and knowledge of establishment rules and procedure in a Government office.	Do.	Direct recruitment or transfer will be resorted to only when no suitable candidate is available among the staff. The Cashier must be required to execute a fidelity guarantee bond.
...	100	Degree of a recognised University in Physics and Chemistry.	As in column (9)	Do.	Direct recruitment or transfer from other Central Government Officers will be resorted to only when no suitable candidate is available among the staff.

1	2	3	4	5	6	7
9.	Upper Division Clerk	Class III (Ministerial).	Selection	Rs. 80—5—120 —EB—8—200 10/2—220	By direct recruitment failing which by transfer and promotion	Promotion : From amongst L.D.Cs. in D.M.E.T. and failing that by transfer of a U.D.C. from other Central Government offices.
10.	Librarian.	Class III (Ministerial)	Selection	Rs. 80—5—120 —EB—8—200 —10/2—220	Normally by direct recruitment failing which by transfer.	Promotion from L.D.Cs. or transfer from other Central Govt. offices.
11.	Lower Division Clerk.	Class III (Ministerial)	Does not arise.	Rs. 60—3—81— —EB—4—125 —5—130	By direct recruitment failing which by transfer	Transfer of L.D.C. from any Central Govt. office.
12.	Store-keeper.	Class III (Ministerial)	Selection	Rs. 80—4—120 —EB—5—150	Normally by direct recruitment failing which by transfer.	Promotion from L.D.Cs. or transfer from other Central Govt. offices.
13.	Telephone Operator.	Class III (Non-Ministerial)	Does not arise.	Rs. 60—3—81— EB—4—125— —5—130.	By direct recruitment failing which by transfer.	..
14.	Compounder.	Class III (Non-Ministerial)	Does not arise	Rs. 60—3—81— —EB—4—125 —5—130	By direct recruitment failing which by transfer.	Transfer from other Central Govt. organisations.
15.	Power House Foreman.	Class III (Non-Ministerial)	Selection	Rs. 200—10—300	By direct recruitment failing which by transfer and by promotion, if possible	Promotion of Machine Tool Instructor, Electrical chargehand, Boiler Attendant, Turbine Attendant and Diesel Attendant and transfer from other Central Government Offices.
16.	Machine Tool Instructor	Class III (Non-Ministerial)	Selection	Rs. 100—5—125 —6—155.	Normally by direct recruitment failing which by transfer	Transfer from other Central Government Offices.

8	9	10	11	12
50	50 Degree of a recognised University preferably with some experience in an office.	Matriculation (or equivalent qualification) with five years experience.	Director and Dy. Director of Marine Engineering Training.	...
..	100 Degree of recognised University with two years' experience as Librarian or Library Clerk.	As in column (9)	..	..
	OR			
	Matriculation (or equivalent qualification) and Diploma in Librarianship from a recognised Institute			
..	100 Possession of Matriculation Certificate and proficiency in typing.		..	..
...	100 Matriculation (or equivalent qualification) with at least 2 years experience of store-keeping.	As in column (9).	...	...
.	100 Matriculation (or equivalent qualification) and knowledge of handling telephoneswitch board.	...	...	...
..	100 Matriculation (or equivalent qualification) and professional test entitling to registration under Sub-section (C) of Section 31 of under Section 32 of the Pharmacy Act, 1948.	As in column (9)	...	..
50 (by promotion and transfer)	50 First Class Seagoing Driver's Certificate (Steam) preferably with Diesel experience.	For transfer, as in column 9.	Director and Deputy Director of Marine Engineering Training.	...
	OR			
	A Diploma from a Technical Institute or three years' apprenticeship in a large institution or works followed by three years' experience as a shift Foreman in a Thermal Power Station. Diesel experience and experience in erection of machinery will be additional qualification.	For Promotion : five years' experience as Machine Tool Instructor or Electrical Charge hand and eight years' experience as Boiler Attendant, Diesel Attendant or Turbine Attendant.		
...	100 Trade apprenticeship for three years and service for one year as Fitter, Machinist or Mechanic in a large mechanical engineering works, all round knowledge of machine tools, fitting practice and welding. Experience in erection of machinery preferable	As in column (9).	Director and Deputy Director of Marine Engineering Training.	Appointment by promotion or may be made if the candidate possesses the qualifications prescribed in column (9).

1	2	3	4	5	6	7
17.	Electrical Chargehand.	Class III (Non-Ministerial)	Selection	Rs. 100—5—125 —6—155.	By direct recruitment failing which by transfer or by promotion, if possible.	Promotion of Electrician and transfer from other Central Government offices.
18.	Boiler Attendant.	Class III (Non-Ministerial)	Does not arise.	Rs. 75—3—105—BB—5—125.	By direct recruitment failing which by transfer.	Transfer from other Central Government offices.
19.	Diesel Attendant.	Class III (Non-Ministerial)	Does not arise.	Rs. 75—3—105—BB—5—125.	By direct recruitment failing which by transfer.	Transfer from other Central Government offices.
20.	Turbine Attendant	Class III (Non-Ministerial)	Does not arise.	Rs. 75—3—105—E.B.—5—125	By direct recruitment failing which by transfer.	Transfer from other Central Government Offices.
21.	Electrician	Class III (Non-Ministerial)	Does not arise.	Rs. 75—3—105	By direct recruitment failing which by transfer.	Transfer from other Central Government Offices.
22.	Plumber	Class III (Non-Ministerial)	Does not arise.	Rs. 60—5/2—75	By direct recruitment failing which by transfer.	Transfer from other Central Government Offices.
23.	Carpenter	Class III (Non-Ministerial)	Does not arise.	Rs. 60—5/2—75	By Direct recruitment failing which by transfer.	Transfer from other Central Government Offices.
24.	Truck Driver	Class III (Non-Ministerial)	Does not arise.	Rs. 60—5/2—75	By Direct recruitment failing which by transfer.	Transfer from other Central Government Offices.

8	9	10	11	12	
100	..	First Class Wireman's Certificate and two years' practical experience in overhauling motors, starters, switch gear etc. Experience as Charge-hand in an industrial undertaking or as an instructor in a Technical School preferable.	First Class Wireman's Certificate and five years experience as Electrician.	Director and Dy. Director of Marine Engineering Training.	Direct recruitment will be resorted to only when no suitable candidate is available for promotion among the staff.
..	100	First Class Boiler attendant's certificate and two years' experience as attendant in a large Boiler House. Experience in the operation of either turbines or diesels preferable.	As in column (9)	..	..
..	100	Second Class Driver's (Diesel) Certificate and two years' experience in Diesel Ships or other sea-going craft or three years apprenticeship in a large industrial workshop followed by two years' experience as a shift operator in a Diesel Power Station. Steam endorsement or Boiler Attendant's Certificate will be additional qualifications.	As in column (9)	..	..
..	100	Second Class Driver's (Steam) Certificate and two years' experience in Turbine Steamers or other sea-going craft or three years' apprenticeship in a large industrial workshop followed by two years' experience as a shift operator in the Turbine Room of a thermal Power Station. Boiler Attendant's Certificate will be an additional qualification.	As in column (9)	..	..
..	100	Second Class Wireman's Certificate and one year's practical experience in wiring and electrical repairs.	As in column (9)	..	..
..	100	Service for two years as a Trade Apprentice in a Plumber's Firm and for one year as a Plumber. Possession of Plumber's Certificate will be additional qualification.	As in column (9)	..	..
..	100	Service for two years as a Trade Apprentice in a large wood working firm and for one year as a full fledged carpenter. Training in industrial schools will be an additional qualification.	As in column (9)	..	..
50	50	(i) Cleanliness as a motor driver and sufficient previous experience and knowledge of motor-mechanism. (ii) Middle School Standard desirable.	As in column (9)	..	..

1	2	3	4	5	6	7
				Rs.		
25	Cleaner Hand	Class IV	Non-Selection	40—1—40—2— 60	By direct recruitment failing which by transfer and by promotion.	Promotion of Hamals
26	Record Keeper cum-Garstent-near operator	Class IV	Non-Selection	40—1—50—2— 60	Normally by transfer.	Transfer from other Central Government Offices.
27	Head Watchmen	Class IV	Non-Selection	35—1—50	Normally by promotion or transfer.	Promotion from Watchman or transfer from other Central Government Offices.
28	Watchman	Class IV	Does not arise.	30—1—35	By direct recruitment failing which by transfer.	Transfer from other Central Government Offices.
29	Head Sweeper	Class IV	Non-selection	35—1—45	Normally by promotion or transfer.	Promotion from sweeper or transfer from other Central Government Offices.
30	Peon	Class IV	Does not arise.	30—1—35	By direct recruitment failing which by transfer.	Transfer from hamals in D. M. E. T. or peons from other Central Government Offices.
31	Hospital Servant.	Class IV	Does not arise.	30—1—35	By direct recruitment failing which by transfer or promotion.	Transfer from other Central Government Offices.
32	Gardener	Class IV	Does not arise.	30—1—35.	By direct recruitment failing which by transfer.	Transfer from other Central Government Offices.
33	Hamal	Class IV	Does not arise.	30—1—35.	By direct recruitment failing which by transfer.	Transfer from other Central Government Offices.
34	Sweeper	Class IV	Does not arise.	30—1—35.	By direct recruitment failing which by transfer.	Transfer from other Central Government Offices.

8	9	10	11	12
50	50 Good experience as a semi-skilled worker in a large workshop.	Five years' experience as Hamal.	Director and Dy. Director of Marine Engineering Training.	..
100	.. Middle school standard subject to any relaxation prescribed by the Government.	As in Column (9)	Director and Deputy Director of Marine Engineering Training.	Direct recruitment for transfer will be resorted to only when no suitable person is available from among the staff.
100	.. Middle school standard subject to any relaxation prescribed by the Government. Ex-military and/or ex-policeman preferred. Ability to read and write English will be additional qualification.	As in column (9)	Director and Dy. Director of Marine Engineering Training.	Direct recruitment or transfer will be resorted to only when no suitable person is available among the staff.
..	100 Middle school standard subject to any relaxation prescribed by Government. Ex-military and/or ex-police men preferred. Previous experience as Watchman will be additional qualification.	As in column (9)	..	..
100	.. No particular qualification. The candidate should be trustworthy and dependable in discharge of his duties.	As in column (9)	Director and Dy. Director of Marine Engineering Training	Direct recruitment or transfer will be resorted to only when no suitable person is available among the staff.
..	100 Middle school standard subject to any relaxation prescribed by the Government.	As in column (9)	..	..
..	100 Middle school standard with or without English.	As in column (9)	..	..
...	100 Sufficient experience in gardening	As in column (9)	...	..
..	100 The candidate should be trustworthy and dependable in discharge of his duties	As in column (9)	...	...
...	100 The candidate should be trustworthy and dependable in discharge of his duties.	As in column (9)	...	...

[No. F. 23-MT(15)/54.]

S.K. VENKA TACHALAM, Dy. Secy.

MINISTRY OF HEALTH

New Delhi-2, the 9th April, 1959

G.S.R. 500.—The following draft of certain amendments to the Indian Port Health Rules, 1955 which the Central Government proposes to make in exercise of the powers conferred by clause (p) of sub-section (1) of section 6 of the Indian Ports Act, 1908 (15 of 1908) is hereby published as required by sub-section (2) of that section, for the information of all persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration on or after the 30th June, 1959.

Any objection or suggestion which may be received from any person with respect to the said draft before the date so specified will be considered by the Central Government.

Draft Amendment

In the said rules,

1. rule 8 shall be renumbered as sub-rule (1) thereof, and after sub-rule (1) as so renumbered the following sub-rule shall be inserted, namely:—

“(2) Notwithstanding anything contained in sub-rule (1), the Health Officer may for navigational reasons permit such infected or suspected ship or ships to come alongside a specially controlled wharf where strict vigilance is possible to be maintained and enforced to prevent any communication with the shore or with any other vessel in the port until declared safe by him”;

2. in rule 9, after the words “harbour master” wherever they occur, the words “a mooring crew when navigational reasons necessitate” shall be inserted;

3. in sub-rule (1) of rule 14 for the first sentence the following shall be substituted, namely:—

“All persons suffering or suspected to be suffering from a quarantinable disease may be disembarked from a ship and isolated”

4. in rule 28(i) in sub-rule (1), for the words “other than a port removed from the infected area by the World Health Organisation in compliance with the terms of paragraph 2 of Article 70 of the International Sanitary Regulations” the words and figures “within 30 days of its arrival in India” shall be substituted;

(ii) in sub-rule (3), for the words “prohibit such a person from disembarking” the words, brackets and figures “apply the measures prescribed in clause (v) of rule 31” shall be substituted;

5. in rule 33, for the word ‘shall’ appearing after ‘measures’ and after ‘on board’ the word ‘may’ shall be substituted;

6 in rule 50, after sub-rule (4) the following sub-rule shall be inserted, namely:—

“(5) on the completion of medical examination prescribed in sub-rule (1), the Health Officer shall issue a certificate of medical inspection in the form set out in Appendix 6 to these rules. After the issue of certificate of medical inspection, no baggage, merchandise or other articles shall be taken on board and no person shall embark or re-embark except with the permission of the Health Officer”;

7. in rule 55, after the words “complied with” the following words shall be inserted, namely:—

“and the master of a ship has handed over the copy of the certificate of medical inspection granted by the Health Officer to the customs authorities and one copy to the Port Pilot Officer who boards the ship for taking it out of the port”;

8. for rule 82, the following shall be substituted, namely:—

“82. The Health Officer shall take effectual measures for keeping the port area free from mosquitoes in their larval and adult stages.”;

9. after Appendix 5, the following Appendix shall be added, namely:—

APPENDIX 6

[See rule 50(5)]

GOVERNMENT OF INDIA

Certificate of Medical Inspection

Certified that the ship (steamer).....sailing under.....
flag under the command of Captain.....bound for.....
with.....crew and.....passengers on board has
been inspected today the.....of.....195.....at.....
hours.
Port of
Dated.....195.....

Health Officer of the Port.

NOTE 1.—This certificate is valid for 24 hours only *vide* rule 54 of the Indian Port Health Rules, 1955.

NOTE 2.—One copy of this certificate shall be forwarded by the master of the ship to the customs authorities issuing the port clearance and one copy to the Port Pilot Officer who boards the ship for taking it out of the port.

[No. F. 15-8/58-IH.]

T. V. ANANTANARAYANAN, Under Secy.

New Delhi, the 14th April 1959

G.S.R. 501.—In exercise of the powers conferred by the proviso to article 309 of the Constitution, the President hereby makes the following rules regulating the method of recruitment to Class II post of Propaganda Assistant (Family Planning) in the Directorate General of Health Services, namely:—

1. These rules may be called the Directorate General of Health Services (Propaganda Assistant—Family Planning) Recruitment Rules, 1959.
2. These rules shall apply to the post of Propaganda Assistant (Family Planning) specified in column 1 of the Schedule to these rules and the number, classification, and scale of pay, shall be as specified in columns 2 to 4 of the said Schedule.
3. The method of recruitment age limit, the qualifications and other matters relating to the said post shall be as specified in columns 5 to 13 of the Schedule aforesaid.

SCHEDULE

Recruitment Rules for the post of Propaganda Assistant (Family Planning), in the Directorate General of Health Services, Ministry of Health

Name of post	No. of posts	Classification	Scale of Pay	Whether selection posts or non-selection post	Age limit for direct recruits	Educational and other qualifications required for direct recruits	Whether age and educational qualifications prescribed for the direct recruits will apply in the case of promotees	Period of probation if any	Method of recruitment whether by direct recruitment or by promotion or transfer & percentage of the vacancies to be filled by various methods	In case of recruitment by promotion /transfer, grades from which promotion to be made	If a DPC exists what is its composition	Circumstances in which U.P.S.C. is to be consulted in making recruitment
1	2	3	4	5	6	7	8	9	10	11	12	13
Propaganda Assistant (Family Planning)	1	G.C.S. Class II Non-Gazetted Non-Ministerial	Rs. 250-10-300-15-450-25/2-500	N.A.	Between 25 & 45 years	<p><i>Essentials</i> —</p> <p>(i) Degree of a recognised University</p> <p>(ii) About 2 year's experience of Publicity/Public relations/social Welfare work in responsible capacity (Evidence of Publicity material produced to be submitted with application)</p> <p>Qualifications relaxable at Commission's discretion in case of candidates otherwise well qualified</p> <p><i>Desirables</i> —</p> <p>(i) Familiarity with problems of family planning and health education</p> <p>(ii) Experience of arranging exhibitions</p>	N.A.	One Year	By direct recruitment	N.A.	N.A.	For direct recruitment

[No. F 38-14 59 Estt.]
H. C. THAPAR, Dy. Secy

MINISTRY OF FOOD AND AGRICULTURE**(Department of Agriculture)***New Delhi, the 20th April, 1959*

G.S.R. 502.—In pursuance of sub-clause (b) of clause 2 of the Fertilizer (Control) Order, 1957, the Central Government hereby empowers the Director of Agriculture, Bihar, also to exercise the functions of the Controller under clauses 4 and 21 of the said Order in the State of Bihar.

[No. 16-11/59-M.]

(Department of Food)*New Delhi, the 15th April 1959*

G.S.R. 503/Ess.Com.—In exercise of the powers conferred by Sub-clause (xi) of clause (a) of section 2 of the Essential Commodities Act, 1955 (10 of 1955), the Central Government hereby declares "press mud", that is, the residual mud left over after filtering sugarcane juice in the course of manufacture of sugar by the vacuum pan and sulphitation process, to be an essential commodity for the purposes of the said Act.

[No. 15-1/59-SV.]

M. LAL, Jt. Secy.**(Department of Food)****ORDER***New Delhi, the 14th April 1959*

G.S.R. 504.—In exercise of the powers conferred by section 3 of the Essential Commodities Act, 1955 (10 of 1955), the Central Government hereby makes the following amendment in the Delhi Wheat (Export Control) Order, 1959, namely:—

Amendment

In the said Order, for sub-clause (c) of clause 2, the following sub-clause shall be substituted, namely:—

"(c) "wheat" includes,—

- (i) any mixture of wheat and other foodgrains in which the proportion of wheat exceeds 2 per cent; and
- (ii) products of wheat other than wheat bran."

[No. 204(89)/288/58-PY. II.]

S. N. BHALLA, Dy. Secy.**(Department of Food)****ORDER***New Delhi, the 14th April 1959*

G.S.R. 505.—In pursuance of sub-clause (b) of clause 2 of the Wheat Roller Flour Mills (Licensing and Control) Order, 1957, the Central Government hereby appoints Shri S. S. Bajaj, Deputy Director (Milling), Northern Region, New Delhi, as an Inspector to exercise the powers and perform the duties of an Inspector under the said Order, and makes the following further amendment in the Government of India, Ministry of Food and Agriculture. (Department of Food) notification No. S.R.O. 3082, dated the 25th September, 1957, namely:—

Amendment

In the Schedule to the said notification, for item 2, the following item shall be substituted, namely:—

"2. Shri S. S. Bajaj, Deputy Director (Milling), Northern Region, New Delhi."

[No. 1,59/FM.]

S. BANSI, Under Secy.

MINISTRY OF EDUCATION

New Delhi, the 16th April 1959

G.S.R. 506.—In exercise of the powers conferred by the proviso to Article 309 of the Constitution, the President hereby makes the following rules relating to the recruitment to the post of Accounts Clerk in the Ministry of Education, namely:—

1. **Short title.**—These Rules may be called the Ministry of Education (Recruitment to Class III Post of Accounts Clerk) Rules, 1959.
2. **Application.**—These rules shall apply to the post of Accounts Clerk in the Ministry of Education.
3. **Classification and scale of pay.**—The classification of the said post and the scale of pay attached to it shall be as specified in columns 2 and 3 of the Schedule to these rules.
4. **Recruitment and qualifications etc.**—The method of recruitment, the age-limit and other qualifications for recruitment, to the said post shall be as specified in columns 5 to 13 of the said Schedule.

SCHEDULE

Recruitment Rules for Accounts Clerks in the Ministry of Education

Name of post	Its classification, whether gazetted or non-gazetted and whether ministerial or non-ministerial	Scale of pay	Number of posts	Percentage of posts to be filled by promotion					For direct recruitment only		For promotion/transfer only	
				Direct recruitment	By Selection	Seniority-cum-fitness	Transfer	Age limit	Educational and other qualifications required	Period of age and Probation if any	Whether educational qualifications prescribed for direct recruitment will apply in case of appointment by transfer	Grades/Sources from which transfers are to be made.
1	2	3	4	5	6	7	8	9	10	11	12	13
Accounts Clerk	Class III non-gazetted ministerial.	Rs. 80—5—120 —EB—8—200— —10/2—220.	18	100% by direct recruitment, failing which by transfer.				Not more than 25 years, relaxable in case of Schedule Castes, Schedule Tribes candidates, displaced persons and other special categories in accordance with the orders issued by the Govt. of India from time to time.	<i>Essential</i> (i) Matriculation or equivalent. (ii) Experience of not less than three years in Government accounts and payment work. <i>Desirable</i> — (i) Diploma or Degree in accountancy or commerce. (ii) Experience in a Government accounts department or office under the Comptroller and Auditor General of India. (iii) Pass in one or more parts of the SAS Examination or the Divisional Accountant's Examination of the Indian Audit and Accounts Department, etc. (iv) Knowledge of typewriting.	Six months	Age—No. Essential qualifications—Yes	Grade I & II of the Central Secretariat Clerical/ Senior Division Clerk or Lower Division Clerk's grade in the Accountant General Central Revenues' Office or corresponding grades in the Indian Audit and Accounts Departments.

N. B.—No male candidate who has more than one wife living and no female candidate who has married a person having already a wife living shall be eligible for appointment; provided that the Government of India after being satisfied that there are special grounds for doing so, exempt any such candidate from the operation of this rule.

[No. 2/69/58—A4]

M. C. MINOCHA Under Secy.

MINISTRY OF LABOUR AND EMPLOYMENT

New Delhi, the 25th April 1959

G.S.R. 507.—In exercise of the powers conferred by the proviso to article 309 of the Constitution, the President hereby makes the following rules, namely:—

LABOUR INSPECTOR (CENTRAL) RECRUITMENT RULES, 1958

PART I

[PRELIMINARY

1. Short title and commencement.—(1) These Rules may be called the Labour Inspectors (Central) Recruitment Rules, 1958.

(2) They shall come into force at once.

2. Definitions.—In these rules, unless the context otherwise requires—

- (a) 'the cadre' means the cadre comprising of posts of Labour Inspector (Central);
- (b) 'the Commission' means the Union Public Service Commission;
- (c) 'the Committee' means the Departmental Promotion Committee for Class II posts;
- (d) 'direct appointment' means the appointment otherwise than by promotion; and
- (e) 'the Government' means the Government of India in the Ministry of Labour and Employment.

3. Scale of pay of Labour Inspectors, his status, etc.—(1) The scale of pay of a Labour Inspector (Central) shall be Rs. 180 (Probation)—200—10—300—15—450

(2) Such officers shall be General Central Service—Class II Gazetted—Non-Ministerial.

(3) The post of Labour Inspector (Central) shall be a selection post

4. Method of recruitment.—Recruitment to the cadre shall be made by the following methods:—

- (a) By direct appointment in accordance with Part II of these rules;
- (b) By promotion on the recommendation of the Committee.

5. Percentage of direct recruitment.—Recruitment by direct appointment shall be made to the extent of seventy-five per cent of the post comprised in the cadre; recruitment to the remaining twenty-five per cent shall be made by promotion from among:—

- (i) Superintendents in the office of Regional Labour Commissioners (Central), who have completed not less than one year of service in the post of Superintendent in any such office.
- (ii) Upper Division Clerks in the Offices of Regional Labour Commissioners (Central) who have completed not less than five years of service in the post of Upper Division Clerk in any such office.
- (iii) Junior Labour Inspectors who have completed not less than three years of service in the post of Junior Labour Inspector if they are graduates and five years of service in that post if they are not graduates -

PART II

RECRUITMENT BY DIRECT APPOINTMENT

6. Recruitment by direct appointment.—Recruitment by direct appointment shall be made on the recommendation of the Commission.

7. Requirements for appointment.—(1) Every candidate for direct appointment shall be:—

- (a) a citizen of India; or
- (b) a person who has migrated from Pakistan with the intention of permanently settling in India; or

(c) a subject of Nepal, Sikkim or Portuguese possessions in India or the State of Pondicherry,

(2) Before appointment a candidate shall satisfy the Government that his character and antecedents are such as to make him suitable for appointment to the cadre.

8. Age for recruitment.—Every candidate for direct appointment shall be below 30 years of age on the 1st day of January of the year in which the Commission invites applications. The upper age-limit may be relaxed—

- (a) in the case of Scheduled Castes, and Scheduled Tribes and bona fide displaced persons and other special categories in accordance with general orders issued from time to time by the Government; and
- (b) in the case of persons who are already in service of the Government of India or any State Government, to the extent of completed years of service, subject to a maximum of five years.

9. Qualifications.—Every candidate for direct appointment shall possess the following qualifications:—

(a) *Essential.*—(1) Degree of a recognized University preferably with Social Sciences; or

Diploma in Social Service or Social Welfare of a recognised institution.

(2) About two years' experience in labour welfare work of social service:

Provided that if it appears to the Commission that a candidate is otherwise well qualified, it may grant relaxation to him in respect of all or any of the afore-said qualifications.

(b) *Desirable.*—1. Degree in law of a recognised University.

2. Master's or equivalent Honours Degree in a social science of a recognised University

10. Decision of the Commission to be final in certain cases.—The decision of the Commission on the question whether a candidate does or does not satisfy any of the requirements of rules 7, 8 or 9 shall be final.

11. Physical fitness.—A candidate for direct appointment must be in good mental and bodily health and free from any physical defect likely to interfere with the discharge of his duties. A candidate who, after such medical examination which the Government may prescribe, is found not to satisfy those requirements, shall not be appointed.

12. Probation.—(1) Every appointment shall be made on probation for a period of one year.

(2) On conclusion of the period of probation, in the case of an officer appointed to a permanent post the Government may either confirm him in his appointment, or, if his work or conduct has, in its opinion, been unsatisfactory, it may either discharge him or extend his period of probation for such further period as it may think fit.

(3) On conclusion of the period of probation, if any, in the case of an officer appointed to a temporary post, the Government may continue him in his appointment, extend his period of probation or discharge him as it thinks fit under the circumstances.

(4) If no action is taken by the Government under sub-rule (2) or sub-rule (3), the period after the prescribed period of probation shall be treated as engagement from month to month, terminable on either side on the expiry of one calendar month's notice in writing.

13. Training.—A candidate may, during the period of his probation be required to complete such course of training and to pass such departmental test as may be prescribed by the Government, from time to time.

14. Appointment to be subject to certain orders of the Home Ministry.—Direct appointments to the cadre shall be subject to the orders issued from time to time by the Ministry of Home Affairs regarding special representation in the services for specific sections of the peoples.

G.S.R. 503.—In exercise of the powers conferred by the proviso to article 309 of the Constitution, the President hereby makes the following rules, namely:—

CONCILIATION OFFICER (CENTRAL) RECRUITMENT RULES, 1958

PART I

PRELIMINARY

1. Short title and commencement.—(1) These rules may be called the Conciliation Officer (Central) Recruitment Rules, 1958.

(2) They shall come into force at once.

2. Definition.—In these rules, unless the context otherwise requires:—

- (a) 'the cadre' means the cadre comprising of posts of Conciliation Officers (Central);
- (b) 'the Commission' means the Union Public Service Commission;
- (c) 'the Committee' means the Departmental Promotion Committee for Class I posts under the Government;
- (d) 'direct appointment' means appointment otherwise than by promotion, and
- (e) 'the Government' means the Government of India in the Ministry of Labour and Employment.

3. Scale of pay of Conciliation Officer, his status etc.—(1) The scale of pay of a Conciliation Officer (Central) shall be Rs. 500—30—590—EB—30—770—40—850.

(2) Such officer shall be a General Central Service Class I officer with gazetted status.

(3) The post of Conciliation Officer (Central) shall be a selection post.

4. Method of recruitment.—(1) Recruitment to the cadre shall be made by the following methods:—

- (a) By direct appointment in accordance with Part II of these rules;
- (b) By promotion by selection on the recommendation of the Committee.

5. Percentage of direct recruitment.—Recruitment by direct appointment shall be made to the extent of fifty per cent of the posts comprised in the cadre; recruitment to the remaining fifty per cent shall be made by promotion by selection from among Labour Inspectors (Central) who have completed not less than three years of service in the post of Labour Inspector (Central).

PART II

RECRUITMENT BY DIRECT APPOINTMENT

6. Recruitment by direct appointment.—Recruitment by direct appointment shall be made on the recommendations of the Commission.

7. Requirements for appointment.—(1) Every candidate for direct appointment shall be:—

- (a) a citizen of India; or
- (b) a person who has migrated from Pakistan with the intention of permanently settling in India; or
- (c) a subject of Nepal, Sikkim or Portugese possessions in India or the State of Pondichery.

(2) Before appointment a candidate shall satisfy Government that his character and antecedents are such as to make him suitable for appointment to the cadre.

8. Age for recruitment.—Every candidate for direct appointment shall be not less than 25 years, and not more than 35 of age on the 1st day of January of the year in which the Commission invites applications. The upper age limit may be relaxed—

- (a) in the case of Scheduled Castes, and Scheduled Tribes and bonafide displaced persons and other special categories in accordance with the general orders issued from time to time by the Government of India.

- (b) in the case of persons who are already in service of the Government of India or any State Government, to the extent of completed years of service, subject to a maximum of five years.

9. Qualifications.—Every candidate for direct appointment shall possess the following qualifications:—

- (a) *Essential.*—1. Degree of a recognised University, preferably in Economics or Social Sciences.
2. Successful training in Social Work in a recognised institution such as the Tata Institute of Social Sciences or the Kashi Vidya Pith, Banaras, or any other Institution affiliated to any recognised University.
3. Three years' experience in labour problems in a responsible capacity, in a Government establishment, or in any industry, or in a trade union organisation:

Provided that if it appears to the Commission that a candidate is otherwise well-qualified, it may grant relaxation to him in respect of all or any of the aforesaid qualifications.

- (b) *Desirable.*—1. Degree in Law of a recognised University.
2. Knowledge of the regional language and of labour conditions in the region.

10. Commission's decision to be final in certain cases.—The decision of the Commission on the question whether a candidate does or does not, satisfy any of the requirements of rules 7, 8, or 9 shall be final.

11. Physical fitness.—A candidate for direct appointment must be in good mental and bodily health and free from any physical defect likely to interfere with the discharge of his duties. A candidate who, after such medical examination which the Government may prescribe, is found not to satisfy those requirements shall not be appointed.

12. Probation.—(1) Every appointment shall be made on probation for a period of one year.

(2) On the conclusion of the period of probation in the case of an officer appointed to a permanent post, the Government may either confirm him in his appointment or if his work or conduct has, in its opinion, been unsatisfactory it may either discharge him or extend his period of probation for such further period as it may think fit.

(3) On the conclusion of the period of probation in the case of an officer appointed to a temporary post, the Government may continue him in his appointment, extend his period of probation or discharge him, as it thinks fit under the circumstances.

(4) If no action is taken by the Government under sub-rule (2) or sub-rule (3), the period after the prescribed period of probation shall be treated as engagement from month to month, terminable on either side on the expiry of one calendar month's notice in writing.

13. Training.—(1) A candidate may, during the period of his probation be required to complete such course of training and to pass such departmental tests as may be prescribed by the Government from time to time; his continuance in the appointment shall be subject to successful completion of such training and passing of such departmental tests.

(2) If a candidate is deputed by the Government for training during the period of probation, he shall be entitled only to two-thirds of his basic pay during the period of such training.

14. Appointments to be subject to orders of the Home Ministry.—Direct appointments to the cadre shall be subject to the orders issued from time to time by the Ministry of Home Affairs regarding special representation in the service; for specific sections of the peoples.

G.S.B. 509.—In exercise of the powers conferred by the proviso to article 309 of the Constitution, the President hereby makes the following rules, namely:—

REGIONAL LABOUR COMMISSIONERS (CENTRAL) RECRUITMENT RULES, 1958

1. Short title and commencement.—(1) These rules may be called the Regional Labour Commissioners (Central) Recruitment Rules, 1958.

(2) They shall come into force at once.

2. Definition.—In these rules—

(a) "the Committee" means the Departmental Promotion Committee for Class I posts under the Government of India in the Ministry of Labour and Employment.

(b) "Labour Commissioner" means the Regional Labour Commissioner (Central).

3. Scale of pay of Labour Commissioner, his status etc.—(1) The scale of pay of a Labour Commissioner shall be Rs. 800—40—1000—1000—1050—1100—1100—1150.

(2) Such officer shall be a General Central Service Class I Officer with gazetted status.

(3) The post of Labour Commissioner shall be a selection post.

4. Method of recruitment.—Recruitment to the post of Labour Commissioner shall be made by promotion by selection from among Conciliation Officers (Central) on the recommendations of the Committee.

[No. LR-III-52/1/4/56.]

K. D. HAJELA, Under Secy.

The Gazette of India



PUBLISHED BY AUTHORITY

No. 18] NEW DELHI, SATURDAY, MAY 2, 1959/VAISAKHA 12, 1881

NOTICE

The undermentioned Gazettes of India Extraordinary were published upto the 23rd April, 1959 :—

Issue No.	No. and date	Issued by	Subject
55	G.S.R. 451, dated 18th April, 1959.	Ministry of Food and Agriculture.	Further amendments in the West Bengal Rice (Movement Control) Order, 1958.
56	G.S.R. 452, dated 21st April, 1959.	Do.	Rescinds G.S.R. Nos. 417, dated 24th May, 1958, 484, dated 12th June, 1958, and 1086, dated 15th November, 1958.
57	G.S.R. 453, dated 21st April, 1959.	Ministry of Finance	Exemption of Khandsari sugar from Excise duty—details specified.
	G.S.R. 454, dated 21st April, 1959.	Do.	Details regarding exemption of Khandsari Sugar from additional duties of Excise.
	G.S.R. 455, dated 21st April, 1959.	Do.	Amendment in G.S.R. 257/59, dated 1st March, 1959.
	G.S.R. 456, dated 21st April, 1959.	Do.	Fixation of rates per shift, per powerloom, per month employed by or on behalf of the same person in the manufacture of rayon or art silk fabrics.
	G.S.R. 457, dated 21st April, 1959.	Do.	Fixation of rates per shift, per warp knitting machine, per month employed by or on behalf of the same person in the manufacture of rayon or art silk fabrics.
	G.S.R. 458, dated 21st April, 1959.	Do.	Fixation of rates of additional excise duty per shift, per powerloom, per month employed by or on behalf of the same person in the manufacture of rayon or art silk fabrics.
	G.S.R. 459, dated 21st April, 1959.	Do.	Fixation of rates of additional excise duty per warp knitting machine, per month employed by or on behalf of the same person in the manufacture of rayon or art silk fabrics.

Issue No.	No. and date	Issued by	Subject
	G.S.R. 460, dated 21st April, 1959.	Ministry of Finance	Further amendments in the Central Excise Rules, 1944.
	G.S.R. 461, dated 21st April, 1959.	Do.	Direction that types of equipment and rates mentioned in Central Excise Rules, 1944, shall be as specified and details of extension of special provisions contained in section E-V of Chapter V of the said rules to the manufacturers of vegetable Non-essential Oils.
58	G.S.R. 467, dated 21st April, 1959.	Ministry of Law	Further amendments in the Representation of the People (Preparation of Electoral Rolls) Rules, 1956.
59	G.S.R. 510, dated 22nd April, 1959.	Ministry of Food and Agriculture.	The Rice-Milling Industry—(Regulation and Licensing) Rules, 1959.
	G.S.R. 511, dated 22nd April, 1959.	Do.	Appointment of date on which the Rice-Milling Industry (Regulation) Act, 1958 shall come into force.
	G.S.R. 512, dated 22nd April, 1959.	Do.	Direction that powers exercisable by the Central Government under certain sections of the Rice-Milling Industry (Regulation) Act, 1958, shall be exercisable also by the Government of a State or the Administrator of a Union Territory.
60	G.S.R. 513, dated 23rd April, 1959.	Ministry of Law	The Constitution (Application to Jammu and Kashmir Second Amendment Order, 1959.

Copies of the Gazettes Extraordinary mentioned above will be supplied on indent to the Manager of Publications, Civil Lines, Delhi. Indents should be submitted so as to reach the Manager within ten days of the date of issue of these Gazettes.

PART II—Section 3—Sub-section (i)

General Statutory Rules (including orders, bye-laws etc. of a general character) issued by the Ministries of the Government of India (other than the Ministry of Defence) and by Central Authorities (other than the Administrations of Union Territories).

MINISTRY OF HOME AFFAIRS

New Delhi, the 21st April 1959

G.S.R. 514.—In pursuance of clause (ii) of the proviso to sub-regulation (1) of regulation 3 of the Indian Police Service (Appointment by Promotion) Regulations, 1955, the Central Government, in consultation with the Government of

Bihar, hereby makes the following amendment in the Schedule annexed to the said Regulations, namely:—

In the said Schedule in column 3 against serial number 3-Bihar, for the entry relating to item (2), the following shall be substituted, namely.—

“(2) Additional Chief Secretary to the Government of Bihar”.

2. The amendment hereby made shall be deemed to have come into force on the 1st April, 1959.

[No. 10/18/58-AIS(I).]

S. NARAYANSWAMY, Dy. Secy.

MINISTRY OF FINANCE

(Department of Revenue)

CENTRAL EXCISES

New Delhi, the 2nd May 1959

G.S.R. 515.—In pursuance of rule 12 of the Central Excise Rules, 1944, as in force in India and as applied to the State of Pondicherry, the Central Government hereby rescinds the notification of the Government of India in the Ministry of Finance (Department of Revenue) No. 14/58-Central Excises, dated the 1st February 1958.

[No. 47/59.]

G.S.R. 516.—In pursuance of rules 12 and 12A of the Central Excise Rules, 1944, the Central Government hereby makes the following further amendments in the notification of the Government of India in the Ministry of Finance (Revenue Division) No. 10-Central Excises, dated the 5th April 1949, namely—

In the table annexed to the said notification—

- (a) in the entries in column 2 against serial No. 1, the item “Vegetable Product” shall be omitted; and
- (b) after serial No. 11 and the entries relating thereto, the following shall be inserted namely—

1	2	3	4	5
12	Vegetable Product	-do-	The whole of the excise duty paid on Vegetable Product plus the excise duty at the rate of Rs. 105 60 per ton of such Vegetable Product in respect of the Vegetable Non-essential Oils other than Cotton-seed Oil used in the manufacture thereof.	<p>Provided that—</p> <p>(a) the exporter other than manufacturer is specifically approved by the Collector and executes an indemnity bond in Form ‘A’ or Form ‘B’ appended hereto, with such surety or sufficient security as the Collector approves, in a sum equal at least to the amount of rebate claimed in respect of vegetable non-essential oils used in the manufacture of the vegetable product exported agreeing to indemnify Government in regard to any claim by the manufacturer for refund in whole or in part, of the excise duty paid by him on such vegetable non-essential oils in respect of which rebate of duty may have been granted to such exporter;</p>

1	2	3	4	5
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(b) the exporter whether he is manufacturer or not, declares to the proper officer the formula of manufacture showing the percentage by weight of cottonseed oil and other vegetable non-essential oils to be used in the manufacture of the Vegetable Product for export and furnishes proof that the duty thereon has been paid to the satisfaction of the proper officer.

FORM 'A'

Bond (with security to be executed by exporters other than manufacturers of Vegetable Products).

KNOW ALL MEN by these presents that I/We _____ the exporter(s) of vegetable product [hereinafter called "the obligor(s)"] am/are jointly and severally bound unto the President of India (hereinafter referred to as "the Government") in the sum of Rs. _____ only to be paid to the Government for which payment well and truly to be made I/We jointly and severally bind myself/ourselves and my/our respective heirs and legal representatives dated this day of _____

WHEREAS by a notification bearing No. 10-Central Excises dated the 5th April, 1949, issued by the Central Government under rule 12 of the Central Excise Rules, 1944, and as amended from time to time the Central Government has directed a rebate of excise duty paid on the vegetable non-essential oils, other than cottonseed oil, used in the manufacture of vegetable product and paid on such vegetable product at the rates mentioned in the said notification on its exportation to any country or territory out of India as mentioned therein.

AND WHEREAS the obligor(s) have exported _____ (herein enter quantity) of vegetable product and applied for rebate of duty in respect of the same and the vegetable non-essential oils used in manufacture thereof, on its exportation;

AND WHEREAS under the said notification, the obligors are required to execute a bond agreeing to indemnify the Government in regard to any claim made against the Government by the manufacturer for refund in whole or in part of excise duty on such vegetable non-essential oils;

AND WHEREAS in pursuance of the said provision the obligors have executed the bond as aforesaid;

AND WHEREAS the obligors have deposited a sum of Rs. _____ with the Collector of Central Excise at _____ as security for the bond.

NOW THE CONDITION OF THE ABOVE WRITTEN obligation is that if at any time hereafter a refund of excise duty in respect of the said vegetable non-essential oils becomes payable to the manufacturers for which refund has been granted to the exporter, then the obligors shall pay to the Government the amount of rebate, if any, sanctioned and paid by the Government to the obligors and upon the obligors making such payment to the Government, the aforesaid obligation shall be void otherwise and on breach or failure in the performance of the above obligation, the same shall remain in full force and effect.

AND IT IS HEREBY AGREED AND DECLARED that the Government shall be at liberty to make good all the loss or damage that may be incurred by the Government from the amount of deposit made by the obligors as aforesaid and that the same will not prejudice Government's right to enforce the above written bond.

AND IT IS HEREBY DECLARED that this bond is given under the orders of the Central Government for the performance of an act in which public are interested.